

# Transcript of the Testimony of

## 4/1/2014

**Case: Committee on Energy and Commerce  
Subcommittee on Oversight and Investigations GM  
Ignition Switch Recall, Why Did It Take So Long?  
No. xxxx**

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UNITED STATES OF AMERICA

HOUSE OF REPRESENTATIVES

COMMITTEE ON ENERGY AND COMMERCE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

"GM Ignition Switch Recall,  
Why Did It Take So Long?"

April 1, 2014

Transcript prepared from the videotape  
recording of the hearing occurring on April 1,  
2014, of the Subcommittee on Oversight and  
Investigations, prepared by Christine M.  
Vitosh, C.S.R.

1       PRESENT:

2           REP. TIMOTHY MURPHY, Pennsylvania,  
3           Chairman

4           REP. JOE BARTON, Texas

5           REP. MARSHA BLACKBURN, Tennessee

6           REP. BRUCE BRALEY, Iowa

7           REP. KATHERINE ANNE CASTOR, Florida

8           REP. DIANA L. DeGETTE, Colorado

9           REP. JOHN D. DINGELL, JR., Michigan

10          REP. PHIL GINGREY, Georgia

11          REP. GENE GREEN, Texas

12          REP. H. MORGON GRIFFITH, Virginia

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16          REP. JANICE SCHAKOWSKY, Illinois

17          REP. PAUL TONKO, New York

18          REP. FREDERICK S. UPTON, Michigan

19          REP. HENRY WAXMAN, California

20          REP. PETER WELCH, Vermont

21          REP. JOHN YARMUTH, Kentucky.

22                   - - - - -

I N D E X

WITNESS:

PAGE

MS. MARY BARRA,

29

CEO, General Motors Corporation;

MR. DAVID J. FRIEDMAN,

187

Acting Administrator of NHTSA

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1 CHAIRMAN MURPHY: I now convene  
2 this hearing of the Oversight and Investigation  
3 Subcommittee entitled the GM Ignition Switch  
4 Recall: Why Did It Take So Long?

5 Ms. Barra, if you would like to  
6 take your seat, please. Thank you.

7 This question is the focus of our  
8 investigation. As soon as the Chevy Cobalt  
9 rolled off the production line in 2004,  
10 customers began filing complaints about the  
11 ignition switch.

12 These customers told General  
13 Motors that just by bumping the key with their  
14 knee while driving the Cobalt, it would shut  
15 off.

16 In 2004 and 2005, GM engineers  
17 twice considered the problem and even developed  
18 potential solutions to fix it, but GM decided  
19 the, quote, tooling costs and piece prices are  
20 too high, end quote, and that, quote, none of  
21 the solutions represent an acceptable business  
22 case, end quote.

1                   The solution GM ultimately  
2     settled for was to tell their dealers to ask  
3     Cobalt drivers to remove heavy objects from  
4     their keychains, and yet just a year later GM  
5     decided to fix the ignition switch.

6                   In 2005, GM told their supplier,  
7     Delphi, to increase the torque in the ignition  
8     switch so the key wouldn't move out of the run  
9     position and into accessory mode.

10                  GM was not alone in examining  
11     problems with the Cobalt.

12                  The lead government safety  
13     regulator, the National Highway Traffic Safety  
14     Administration, known as NHTSA, was also  
15     evaluating concerns with the Cobalt, but NHTSA  
16     didn't look at the ignition switch problem,  
17     just airbag non-deployment.

18                  In 2007, three years after the  
19     Cobalt's release, the chief of NHTSA's Defects  
20     Assessment Division proposed that the agency  
21     investigate the Cobalt because he spotted a,  
22     quote, pattern of non-deployments, end quote,

1 in Cobalt airbags that didn't exist similar  
2 sedans.

3 An internal NHTSA presentation  
4 noted a spike in warranty claims for Cobalt  
5 airbags; a total of 29 crashes causing 25  
6 injuries, four deaths, and 14 field reports,  
7 yet NHTSA ultimately decided not to  
8 investigate.

9 Even when the issue was again  
10 raised three years later in 2010, NHTSA again  
11 passed on investigating.

12 GM was also looking into the  
13 airbag non-deployments. As early as 2007 GM  
14 started tracking incidents where Cobalt airbags  
15 did not deploy in car crashes.

16 In 2011 and 2012 GM assigned at  
17 least two groups of engineers to examine the  
18 problem.

19 According to GM's public  
20 statements, it wasn't until December, 2013,  
21 that the company finally put the pieces  
22 together and linked the problems with the

1     airbags with the faulty ignition switch, almost  
2     ten years after customers first told GM the  
3     Cobalt ignition switch didn't work.

4             We know this: The red flags were  
5     there for GM and NHTSA to take action, but for  
6     some reason, it did not happen.

7             Why didn't GM and NHTSA put the  
8     pieces together for ten years?

9             Why didn't anyone ask the  
10    critical important questions?

11            Why did GM accept parts below  
12    their own company standards and specs?

13            When GM decided to get a new  
14    ignition switch for the Cobalt in 2006, did GM  
15    do so because they recognized that the faulty  
16    switch posed a safety problem?

17            Why did GM keep the old part  
18    number, which led to confusion?

19            When GM replaced the ignition  
20    switch, did engineers also consider how the  
21    faulty ignition impacted other systems in the  
22    car, like airbags?



1                   Why did GM replace the ignition  
2                   switch in new cars, but not the older models?

3                   Why did GM think a memo about the  
4                   size of keychains was enough to solve the  
5                   problems?

6                   Why did NHTSA twice decide not to  
7                   investigate the Cobalt and why didn't NHTSA  
8                   make the link between the keys being in the  
9                   accessory position and airbags not deploying?  
10                  Did anyone ask why?

11                  And for both GM and NHTSA, are  
12                  people talking to one another? Do GM and NHTSA  
13                  have a culture where people don't pass  
14                  information up and down the chain of command?

15                  To borrow a phrase, what we have  
16                  here is a failure to communicate and the  
17                  results were deadly, a failure to communicate  
18                  both between and within GM and NHTSA.

19                  Today we will ask GM and NHTSA  
20                  what they're doing to not just fix the car, but  
21                  to fix a culture within a business and a  
22                  government regulator that led to these

1 problems.

2 This is about restoring public  
3 trust and giving the families and crash victims  
4 the truth about whether this tragedy could have  
5 been prevented and in the future what will be  
6 prevented.

7 It is my hope and expectation  
8 that today will not hear a blame game or finger  
9 pointing.

10 All the brilliant engineers and  
11 workers in the world won't matter if the people  
12 don't really care, and as the old saying goes,  
13 people don't care that you know until they know  
14 that you care.

15 This debate -- This investigation  
16 is only three weeks old, and we are determined  
17 to find the facts and identify the problem so a  
18 tragedy like this will never happen again.

19 This investigation is bipartisan  
20 and is a priority of all the members of this  
21 committee.

22 I want to thank Mary Barra for

1 being here and also the head of NHTSA, David  
2 Friedman, Ranking Members Waxman and Dingell  
3 for working with us, and I now give the  
4 remaining of my time to Dr. Michael Burgess.

5 DR. BURGESS: I thank the chairman for  
6 yielding. I thank our witnesses for being  
7 here. I thank our witnesses for being so  
8 responsive to the committee's staff requests.

9 We are here to examine a very  
10 important matter. The hearing is appropriately  
11 named.

12 We do have questions for General  
13 Motors. We have questions for the National  
14 Highway Traffic Safety Administration.

15 Two chances to open up formal  
16 investigations into the recalled General Motors  
17 cars; both in 2007 and 2010 NHTSA initially  
18 examined problems with the vehicles and both  
19 times, both times, decided that no  
20 investigation was needed.

21 We need to hear from NHTSA today  
22 how you intend to improve the process going

1 forward.

2 And we were just here five years  
3 ago with the Toyota investigation. We heard a  
4 lot of things out of NHTSA on those hearings.

5 I'd like to know how they have  
6 improved the process and how we can expect to  
7 have confidence in their ability going forward  
8 and I yield back.

9 CHAIRMAN MURPHY: I recognize the  
10 ranking member of the committee, Ms. DeGrette,  
11 of Colorado.

12 MS. DeGRETTE: Thank you very much,  
13 Mr. Chairman.

14 Like all of us, I am deeply  
15 troubled about what our investigation has  
16 revealed about GM's business practices and its  
17 commitment to safety.

18 Here's what we know: We know  
19 that GM has recalled over 2.5 million vehicles  
20 because of defective ignition switches.

21 We know they should have done it  
22 much, much earlier. We know that GM failed to

1 provide federal regulators with key information  
2 and, sadly, we know that at least 13 people are  
3 dead and there have been dozens of crashes  
4 because GM produced cars that had a deadly  
5 effect.

6 Mr. Chairman, I have a copy of  
7 the ignition switch assembly for one of these  
8 vehicles, and this is it.

9 A spring inside the switch, a  
10 piece that cost pennies, failed to provide  
11 enough force, causing the switch to turn off  
12 when the car went over a bump.

13 GM knew about this problem in  
14 2001, they were warned again and again over the  
15 next decade, but they did nothing.

16 And I just want to show how easy  
17 it is to turn this key in this switch.

18 If you had a heavy keychain like  
19 my mom's keychain or if you had -- if you were  
20 short and you bumped up against the ignition  
21 with your knee, it could cause this key to  
22 switch right off.

1 Mr. Chairman, we now know that  
2 these switches were defective from the start.  
3 In February of 2002, GM's ignition switch  
4 supplier, Delphi, informed the company that the  
5 switch did not meet GM's minimum  
6 specifications, but GM approved it anyway.

7 Now, yesterday we sent Ms. Barra  
8 a letter about this decision. I'd like  
9 unanimous consent to make that letter a part of  
10 the hearing record.

11 CHAIRMAN MURPHY: Without objection.

12 MS. DeGRETTE: Soon after this  
13 approval, the defective cars were on the road  
14 and it didn't take long for problems to appear.

15 In 2003, June, 2003, the owner of  
16 a Saturn Ion with 3,474 miles on the odometer  
17 made a warranty report that he or she, quote,  
18 bumped the key and the car shut off.

19 GM would receive more than 130  
20 similar warranty claims from owners about this  
21 problem over the next decade, but it never  
22 informed the public or reported the problem to

1 federal safety regulators.

2 The minority staff conducted this  
3 warranty analysis and again we prepared a memo  
4 about these claims. I'd also like unanimous  
5 consent to put that in the record,  
6 Mr. Chairman.

7 CHAIRMAN MURPHY: Without objection.

8 MS. DeGETTE: Initially GM opened  
9 multiple investigations into the ignition  
10 switch issue, each which concluded the switch  
11 was bad, it didn't meet the minimums.

12 In 2005 GM identified solutions  
13 to the problem, but concluded that, quote, the  
14 tooling cost and piece price are too high;  
15 thus, none of the solutions represents an  
16 acceptable business case.

17 Documents provided by GM show  
18 that this unacceptable cost increase was only  
19 57 cents, and, Mr. Chairman, we have this  
20 document that we got from GM, somehow it's not  
21 in the binder.

22 I'd ask unanimous consent to put

1 this in the -- in the record as well.

2 CHAIRMAN MURPHY: Without objection.

3 So ordered.

4 MS. DeGETTE: Another technical  
5 investigation completed in 2005 led GM to issue  
6 a technical service bulletin advising dealers  
7 to distribute key inserts to help reduce the  
8 problem. This was a simple fix to reduce the  
9 force on the switch.

10 And, Mr. Chairman, these are the  
11 keys of one of my staff members who actually  
12 owns one of these cars and, as you can see,  
13 there is a long, long insert.

14 What the key inserts were  
15 supposed to do is go in the middle and just  
16 create a little hole so the key and the keys  
17 wouldn't go back and forth.

18 Unfortunately GM never made this  
19 bulletin public. More than 500 people, out of  
20 the thousands of drivers who had cars with  
21 faulty switches, got the key insert, and GM  
22 knew it.



1           Soon after this decision, company  
2       officials quietly redesigned the switch, but  
3       they never changed the part number, and  
4       astonishingly, this committee has heard that  
5       when GM approved a new switch in 2006 they did  
6       it with still not -- still knowing that the new  
7       switch didn't meet specifications.

8           The company even put more cars  
9       with bad switches on the road from 2008 until  
10      2011, and we still don't know all the  
11      information about this.

12          Between 2003 and 2014, GM learned  
13      hundreds of reports of ignition switch problems  
14      through customer complaints, warranty claims,  
15      lawsuits, press coverage, field reports, and  
16      even more internal investigations, but time and  
17      time again, GM did nothing. The company  
18      continued to sell cars knowing they were  
19      unsafe.

20          I know we have a lot of family  
21      members here, Mr. Chairman, and I know -- and I  
22      want to express my deepest sympathies to them,

1 but I want to tell them something more: We're  
2 going to get to the bottom of this, we're going  
3 to figure out what happened, and we're going to  
4 make sure it doesn't happen again.

5 Now, Mr. Chairman, I want to  
6 thank Ms. Barra for coming; she is brand new at  
7 the company. I believe she is committed to  
8 fixing this situation.

9 We have a lot of questions to ask  
10 today, though, and I know every member of this  
11 committee is concerned about this.

12 Thank you very much.

13 CHAIRMAN MURPHY: And the gentleman's  
14 time has expired.

15 Now recognize the chairman of the  
16 full committee, Mr. Upton, for five minutes.

17 MR. UPTON: Well, thank you,  
18 Mr. Chairman.

19 We know that with a two-ton piece  
20 of high velocity there is, in fact, a zero  
21 margin for error.

22 Product safety is indeed a life

1 or death issue, but sadly vehicle safety has  
2 fallen short, and it's not the first time.

3 During the late summer of 2000 in  
4 this very room I led the oversight hearings  
5 that examined the Ford Firestone recalls. A  
6 tire malfunction was causing violent crashes  
7 and Americans did not feel safe behind the  
8 wheel.

9 We gathered testimony from the  
10 company and agency officials and reviewed  
11 thousands and thousands of pages of documents  
12 and we found that the system indeed had failed.

13 Information about the defective  
14 tires had been shared with the companies and  
15 with NHTSA, the parties failed to protect the  
16 public safety and over a hundred people died.

17 After that investigation I  
18 introduced the TREAD Act to correct many of the  
19 problems that contributed to the Ford Firestone  
20 tragedy.

21 That bill was meant to ensure  
22 data about safety is reported so that defects

1 can be quickly identified and fixed and lives  
2 ultimately saved.

3 The TREAD Act has now been law  
4 since November of 2000 yet here we are  
5 investigating another safety failure. It's  
6 déjà vu all over again.

7 One month ago GM issued a recall  
8 for an ignition switch defect in six vehicles  
9 totaling 1.6 million cars, and last Friday they  
10 recalled another 900,000 vehicles.

11 GM acknowledges that a dozen  
12 people have died in automobile crashes  
13 associated with that defect; two were teenagers  
14 from my own community.

15 Testifying today are GM's CEO,  
16 Mary Barra, and NHTSA acting director David  
17 Friedman, a first step in our quest to find out  
18 what went wrong.

19 The committee's purpose is the  
20 same as it was in 2000, making sure that  
21 drivers and families are protected and cars are  
22 safe.

1                   And I'll repeat what I said at  
2                   the first oversight committee hearing on  
3                   Firestone tires in 2000: Today's hearing is  
4                   very personal to me, because I come from  
5                   Michigan, the auto state, the auto capital of  
6                   the world. That is no less true today.

7                   Michigan is proud of its auto  
8                   industry, and while Michigan citizens build  
9                   cars, obviously we drive them, too.

10                  Documents produced to the  
11                  committee show that both NHTSA and GM received  
12                  complaints about and data about problems with  
13                  ignition switches and airbags.

14                  These complaints go back at least  
15                  a decade. NHTSA engineers did crash  
16                  investigations as early as '05 and twice  
17                  examined whether complaints with airbags  
18                  constituted a trend.

19                  GM submitted early warning  
20                  reports to NHTSA including data about crashes  
21                  in the recalled cars.

22                  With all that information

1 available, why did it take so long to issue the  
2 recall? In this case, just as it was with Ford  
3 Firestone, it was news reports that brought the  
4 nation to the nation's attention -- brought the  
5 problem to the nation's attention.

6 This investigation of the recall  
7 is indeed bipartisan, as it should be. We'll  
8 follow the facts wherever they lead us and  
9 we're going to work until we have the answers  
10 and can assure the public that indeed they're  
11 safe, and I'd like to note that the chairman of  
12 our CMT subcommittee, Mr. Terry, will be  
13 joining us for questions this afternoon.

14 With his subcommittee's record on  
15 motor vehicle safety issues, he will be  
16 watching closely as this investigation unfolds  
17 so that he can take our findings and determine  
18 whether and what changes may be needed to the  
19 laws designed to keep drivers safe on the road.

20 After our -- After all, our goal  
21 on every issue follows the Dingell motto:  
22 Identify the problem or abuse fully and, where

1 needed, fix it with legislation so that it  
2 won't happen again.

3 I yield to the vice chair of  
4 the -- of the committee, Ms. Blackburn.

5 MS. BLACKBURN: Thank you,  
6 Mr. Chairman, and, Ms. Barra, thank you very  
7 much for being here today.

8 We really owe this hearing to the  
9 American people, to GM customers, and to the  
10 relatives of the 12 individuals that have lost  
11 their lives, and it is important that we get to  
12 the bottom of this and to see what the roles of  
13 GM and NHTSA were in this, figure out who's at  
14 fault, and we want to know who knew what when,  
15 and /PH\*B, that includes you.

16 We're going to want to know what  
17 your exposure was to this issue as you took the  
18 helm at GM as the CEO.

19 You know, in my district we have  
20 the GM plant. The Saturn Ion has been  
21 recalled; that was made at that plant there in  
22 Spring Hill, so this is something that is

1 important to my constituents, those that have  
2 worked with GM.

3 I thank you for being here and we  
4 look forward to the answers.

5 I yield back.

6 CHAIRMAN MURPHY: Thank you.  
7 Gentleman yields back.

8 Now recognize ranking member of  
9 the full committee, Mr. Waxman, for  
10 five minutes.

11 MR. WAXMAN: Thank you very much,  
12 Mr. Chairman.

13 I have a sad sense of déjà vu as  
14 I sit here today. I was part of this committee  
15 when we held our Ford Firestone hearing in  
16 2000.

17 I led the committee's hearing on  
18 Toyota's problems with unintended acceleration  
19 in 2010. Each time we heard about how auto  
20 manufacturers knew about potential defects and  
21 about how federal safety officials at the  
22 National Highway Traffic Safety Administration



1 missed signals that should have alerted them to  
2 defective cars on the road and here we are  
3 today under similar circumstances.

4 Over the last month, the full  
5 dimensions of another auto safety disaster have  
6 unfolded. General Motors has recalled  
7 2.5 million vehicles due to a defective  
8 ignition switch and the company has  
9 acknowledged that these cars have caused dozens  
10 of crashes and 13 fatalities.

11 Mr. Chairman, I know the families  
12 of some of these victims are in the audience  
13 for today's hearing.

14 I want to acknowledge them, thank  
15 them for coming. We owe it to them to find out  
16 what happened.

17 The facts that we already know  
18 are hard to believe. GM has known for years  
19 about this safety defect and has failed to take  
20 appropriate action to fix the problem.

21 The company installed an ignition  
22 switch that it knew did not meet its own

1 specification, numerous internal investigations  
2 resulted in nothing but a non-public technical  
3 service bulletin that partially fixed the  
4 problem for fewer than 500 drivers.

5 A new analysis I released this  
6 morning revealed that over the last decade GM  
7 received over 130 warranty claims from drivers  
8 and GM technicians who experienced and  
9 identified the defect.

10 Drivers reported that their cars  
11 shut off after hitting bumps or potholes at  
12 highway speeds when they did something as  
13 simple as brushing the ignition switch with  
14 their knee.

15 One GM technician even identified  
16 the exact part causing the problem, a spring,  
17 that would have cost at most as much as a few  
18 postage stamps. A couple of dollars.

19 Because GM didn't implement this  
20 simple fix when it learned about the problem,  
21 at least a dozen people have died in defective  
22 GM vehicles.

1                   What's more, new information the  
2                   committee received last week suggests that GM  
3                   still has failed to fully own up to potential  
4                   problems. GM finally modified the ignition  
5                   switch for later model cars.

6                   Delphi, the manufacturer of the  
7                   ignition switch, told the committee that the  
8                   switches installed in model year 2008 to 2011  
9                   vehicles still do not meet GM's own  
10                  specifications.

11                  GM finally announced a recall of  
12                  these vehicles last Friday, but told the public  
13                  that it was because of bad parts installed  
14                  during repairs, not because of defective parts  
15                  originally installed in the vehicles.

16                  There are legitimate questions we  
17                  need to ask about whether NHTSA did enough to  
18                  identify and uncover this problem. In  
19                  retrospect it's clear that the agency missed  
20                  some red flags, but NHTSA was also laboring  
21                  under a handicap.

22                  There appears to have been a lot

1 of information that GM knew but they didn't  
2 share with the National Highway Traffic Safety  
3 Administration. We need to make sure that  
4 NHTSA and the public have access to the same  
5 information about safety as auto executives.

6 That's why today I'm introducing  
7 the Motor Vehicle Safety Act of 2014. This  
8 bill is modeled on the legislation that the  
9 committee passed in 2010 but was never enacted  
10 into law.

11 It will make more information on  
12 defects available to the public and it will  
13 increase NHTSA's funding and increase civil  
14 penalties for manufacturers when companies like  
15 GM fail to comply with the law.

16 Mr. Chairman, we should learn as  
17 much as we can from this investigation, then we  
18 should improve the law to make sure we're not  
19 here again after another auto safety tragedy in  
20 the near future.

21 I want to yield back my time.  
22 Thank you.

1 CHAIRMAN MURPHY: Gentleman yields  
2 back.

3 I would now like to introduce the  
4 witness on the first panel for today's hearing.

5 Ms. Mary Barra is the chief  
6 executive officer of General Motors Company and  
7 has been in this role since January 15th, 2014,  
8 when she also became a member of its board of  
9 directors.

10 She has held a number of  
11 positions in this company. From 2008 to 2009,  
12 Ms. Barra served as vice president of global  
13 manufacturing engineering, and from 2005 to  
14 2008 she was executive director of vehicle  
15 manufacturing engineering.

16 She has also served as a plant  
17 manager and director of competitive operations  
18 engineering as well as numerous other  
19 positions. I will now swear in the witness.

20 Ms. Barra, you are aware that the  
21 committee is holding an investigative hearing  
22 and, when doing so, has a practice of taking

1 testimony under oath.

2 Do you have any objections to  
3 testifying under oath?

4 MS. BARRA: No.

5 CHAIRMAN MURPHY: The Chair then  
6 advises you that under the rules of the House  
7 and the rules of the committee you are entitled  
8 to be advised by counsel.

9 Do you desire to be advised by  
10 counsel during today's hearing?

11 MS. BARRA: No.

12 CHAIRMAN MURPHY: In that case if you  
13 would please rise and raise your right hand,  
14 I'll swear you in.

15 MS. BARRA: I do.

16 (The witness was thereupon  
17 duly sworn.)

18 MARY BARRA,  
19 called as a witness herein, having been first  
20 duly sworn, testified before the Subcommittee  
21 as follows:

22 CHAIRMAN MURPHY: Thank you.

1 Ms. Barra, you are now under oath and subject  
2 to the penalties set forth in Title 18,  
3 Section 1001 of the United States Code.

4 You may now give a five-minute  
5 summary of your written statement.

6 MS. BARRA: Thank you, Mr. Chairman,  
7 and committee members.

8 CHAIRMAN MURPHY: Please pull the  
9 microphone close to your mouth and make sure  
10 it's on. Thank you.

11 MS. BARRA: Can you hear me? Okay.

12 Thank you, Mr. Chairman, and  
13 committee members. My name is Mary Barra and I  
14 am the chief executive officer of General  
15 Motors. I appreciate the opportunity to be  
16 here today.

17 More than a decade ago GM  
18 embarked on a small car program. Sitting here  
19 today I cannot tell you why it took so long for  
20 a safety defect to be announced for this  
21 problem, but I can tell you we will find out.

22 This is an extraordinary

1 situation, it involves vehicles we no longer  
2 make, but it came to light on my watch, so I am  
3 responsible for resolving it.

4 When we have answers, we will be  
5 fully transparent with you, with our  
6 regulators, and with our customers.

7 While I cannot turn back the  
8 clock, as soon as I learned about the problem,  
9 we acted without hesitation. We told the world  
10 we had a problem that needed to be fixed. We  
11 did so because whatever mistakes were made in  
12 the past, we will not shirk from our  
13 responsibilities now or in the future. Today's  
14 GM will do the right thing.

15 That begins with my sincere  
16 apologies to everyone who has been affected by  
17 this recall, especially the families and  
18 friends who lost their lives or were injured.  
19 I am deeply sorry.

20 I've asked former U.S. Attorney  
21 Anton Valukas to conduct a thorough and  
22 unimpeded investigation of the actions of



1 General Motors.

2 I have received updates from him  
3 and he tells me he is well along with his work.  
4 He has free rein where the facts take him,  
5 regardless of outcome. The facts will be the  
6 facts.

7 Once they are in, my leadership  
8 team and I will do what is needed to help  
9 assure this does not happen again.

10 We will hold ourselves fully  
11 accountable; however, I want to stress I'm not  
12 waiting for his results to make changes. I've  
13 named a new vice president of Global Vehicle  
14 Safety, a first for General Motors.

15 Jeff Boyer's top priority is to  
16 quickly identify and resolve any and all  
17 product safety issues. He is not taking on  
18 this task alone. I stand with him, and my  
19 senior leadership team stands with him as well,  
20 and we will welcome input from outside of GM,  
21 from you, from NHTSA, from our customers, our  
22 dealers, and current and former employees.

1                   The latest round of recalls  
2 demonstrates just how serious we are about the  
3 way we want to do things at today's GM. We've  
4 identified these issues and we've brought them  
5 forward and we're fixing them.

6                   I have asked our team to keep  
7 stressing the system at GM and work with one  
8 thing in mind, the customer and their safety  
9 are at the center of everything we do.

10                  Our customers who have been  
11 affected by this recall are getting our full  
12 and undivided attention. We are talking  
13 directly through -- to them through a dedicated  
14 website with constantly updated information and  
15 through social media platforms.

16                  We've trained and assigned more  
17 people, over a hundred, to our customer call  
18 centers, and wait times are down to seconds,  
19 and of course we've sending customers written  
20 information through the mail.

21                  We have empowered our dealers to  
22 take extraordinary measures to treat each case

1 specifically. If people do not want to drive a  
2 recalled vehicle before it is repaired, dealers  
3 can provide them with a loaner or a rental car  
4 free-of-charge. To date we've provided nearly  
5 13,000 loaner vehicles.

6 If a customer is already looking  
7 for another car, dealers are allowed to provide  
8 additional cash allowances for the purchase of  
9 a lease or new vehicle.

10 Our supplier is manufacturing new  
11 replacement parts for the vehicles that are no  
12 longer in production. We have commissioned two  
13 lines and have asked for a third production  
14 line, and those parts will start being  
15 delivered to dealers next week.

16 These measures are only the first  
17 in making things right and rebuilding trust  
18 with our customers, and as I have reminded our  
19 employees, getting the cars repaired is only  
20 the first step. Getting customers the best  
21 support possible throughout this process is how  
22 we will be judged.

1 I would like this committee to  
2 know that all of our GM employees and I are  
3 determined to set a new standard. I'm  
4 encouraged to say that everyone at GM up to and  
5 including our board of directors supports this.

6 I'm a second generation GM  
7 employee, and I'm here as our CEO, but I'm also  
8 here representing the men and women who are  
9 part of today's GM and are dedicated to putting  
10 the highest quality, safest vehicles on the  
11 road.

12 I recently held a town hall  
13 meeting to formally introduce our new VP of  
14 safety. We met at our technical center in  
15 Michigan. This is one of the places where the  
16 men and women who engineer our vehicles work.  
17 They are the brains behind our cars, but they  
18 are also the heart of General Motors. It was a  
19 tough meeting. Like me, they are disappointed  
20 and upset. I could see it in their faces, I  
21 could hear it in their voices.

22 They had many of the same

1 questions that I suspect are on your mind; they  
2 want to make things better for our customers  
3 and in that process make GM better. They  
4 particularly wanted to know what we planned to  
5 do for those who have suffered the most from  
6 this tragedy.

7 That's why I'm pleased to  
8 announce that we have retained Kenneth Feinberg  
9 as a consultant to help us evaluate the  
10 situation and recommend the best path forward.

11 I am sure this committee knows  
12 Mr. Feinberg is highly qualified and is very  
13 experienced in handling matters such as this,  
14 having led the compensation efforts involved  
15 with 911, the BP oil spill, and the Boston  
16 marathon bombing. Mr. Feinberg brings  
17 expertise and objectivity to this effort.

18 As I have said, I consider this  
19 to be an extraordinary event and we are  
20 responding to it in an extraordinary way.

21 As I see it, GM has civil  
22 responsibilities and legal responsibilities.

1 We are thinking through exactly what those  
2 responsibilities are and how to balance them in  
3 an appropriate manner. Bringing on  
4 Mr. Feinberg is the first step.

5 I would now be happy to answer  
6 your questions. Thank you.

7 CHAIRMAN MURPHY: Thank you,  
8 Ms. Barra. I also want to acknowledge all the  
9 families that are here today and know that we  
10 are aware and have the sympathies of all the  
11 committee here.

12 One, Kelly Erin Ruddy, of  
13 Scranton, Pennsylvania, is one of those that we  
14 offer sympathy to the families, but we have all  
15 of you in our hearts.

16 Ms. Barra, our committee reviewed  
17 more than 200,000 pages of documents. What we  
18 found is that as soon as the Cobalt hit the  
19 road in 2004, drivers began to immediately  
20 complain to General Motors that the cars'  
21 ignition systems didn't work properly.

22 You can imagine how frightening

1 it is to drive a car that suddenly you lose  
2 your power steering and power brakes.

3 When the switch for the Cobalt  
4 was being built back in 2002, GM knew the  
5 switch did not meet its specification for  
6 torque, am I correct?

7 MS. BARRA: Yes.

8 CHAIRMAN MURPHY: GM engineers began  
9 to look at the problem and try to figure out  
10 how to address it. GM understood the torque in  
11 the switches measured below its own  
12 specifications; is that right?

13 MS. BARRA: Yes.

14 CHAIRMAN MURPHY: Is it common  
15 practice for GM to accept a part that does not  
16 meet GM specifications?

17 MS. BARRA: No, but there is a  
18 difference between a part meeting or not  
19 meeting specifications and a part being  
20 defective.

21 CHAIRMAN MURPHY: So under what  
22 scenario is accepting parts that don't meet GM

1 specs allowable?

2 MS. BARRA: An example of that would  
3 be when you are purchasing steel. You'll set a  
4 specification for steel, but then because of  
5 the different suppliers and availability of  
6 steel to make products, you'll assess the  
7 performance, the functionality, the durability,  
8 you know, the aspects of the part or, in this  
9 case, steel that is necessary to live up to  
10 what the performance and the durability, the  
11 safety, needs to be.

12 CHAIRMAN MURPHY: Well, let's --

13 MS. BARRA: That's an example of when  
14 you would have a part or have material that  
15 doesn't meet the spec that was set out, but was  
16 acceptable from a safety -- from a  
17 functionality perspective, performance as well.

18 CHAIRMAN MURPHY: Is that switch  
19 acceptable?

20 MS. BARRA: The switch -- I'm sorry,  
21 the switch?

22 CHAIRMAN MURPHY: Is the switch



1 acceptable in two-thousand --

2 MS. BARRA: At what timeframe? I'm  
3 sorry.

4 CHAIRMAN MURPHY: Well, at the  
5 beginning. It seems -- it didn't meet the  
6 specs for GM, so is that what you would  
7 consider acceptable?

8 MS. BARRA: As we -- as we clearly  
9 know today, it's not.

10 CHAIRMAN MURPHY: So in 2006 GM  
11 changed its ignition switch and GM switch  
12 supplier, Delphi, put in a new spring to  
13 increase the torque; is that correct?

14 MS. BARRA: There was a new part.

15 CHAIRMAN MURPHY: Thank you.

16 Now, in that binder next to you,  
17 if you would turn to Tab 25. This is e-mail  
18 exchange between Delphi employees in 2005  
19 discussing the changes to the ignition switch.

20 The e-mail notes that a GM  
21 engineer is asking for information about the  
22 ignition switch because, quote, Cobalt is

1 blowing up in their face in regards to turning  
2 the car off with the driver's knee, unquote.

3 If this was such a big problem,  
4 why didn't GM replace the ignition switch on  
5 the cars already on the road, the cars where  
6 the torque fell well below GM specifications,  
7 instead of just the new cars? Why?

8 MS. BARRA: What you just said does  
9 not match under Tab 25.

10 CHAIRMAN MURPHY: It's the bottom of  
11 the page, there should be something there.  
12 Well, just note that what I've said -- I  
13 apologize for that.

14 MS. BARRA: Okay.

15 CHAIRMAN MURPHY: But there was a  
16 statement made that Cobalt is blowing up in  
17 their face just by a bump of the driver's knee.

18 MS. BARRA: Clearly there were a lot  
19 of things that happened, there's been a lot of  
20 statements made as it relates.

21 That's why we've hired Anton  
22 Valukas to do a complete investigation of this

1 process. We are spanning over a decade --

2 CHAIRMAN MURPHY: But you don't know  
3 why they didn't just replace the switch on the  
4 old cars as well as the new cars?

5 MS. BARRA: I do not know the answer  
6 to that and that's why we're doing this  
7 investigation.

8 CHAIRMAN MURPHY: Given the number of  
9 complaints about ignitions turning off while  
10 driving, why wasn't this identified as a safety  
11 issue?

12 MS. BARRA: Again, I can't answer  
13 specific questions at that point in time.  
14 That's why we're doing a full and complete  
15 investigation.

16 CHAIRMAN MURPHY: I've got another  
17 one. In the chronology GM submitted to NHTSA,  
18 GM states it didn't make the connection between  
19 the ignition switch problems and the airbag  
20 non-deployment problems until late 2013, so my  
21 question is when GM decided to switch the  
22 ignition in 2006 did the company ever examine

1       how a faulty ignition switch could affect other  
2       systems like the airbags?

3               MS. BARRA: Again, that's part of the  
4       investigation.

5               CHAIRMAN MURPHY: Should they?

6               MS. BARRA: Should we understand --

7               CHAIRMAN MURPHY: Should they look at  
8       how it affects other vehicle systems?

9               MS. BARRA: Yes.

10              CHAIRMAN MURPHY: Let me ask another  
11       question then. So when GM concluded -- and you  
12       heard from my opening statement -- that the  
13       tooling costs and price pieces are too high,  
14       what does that mean?

15              MS. BARRA: I find that statement to  
16       be very disturbing. As we do this  
17       investigation and understand it in the context  
18       of the whole timeline, if that was the reason  
19       the decision was made, that is unacceptable.  
20       That is not the way we do business in today's  
21       GM.

22              CHAIRMAN MURPHY: Well, how does GM

1 balance costs and safety?

2 MS. BARRA: We don't. Today if there  
3 is a safety issue, we take action. If we know  
4 there is a defect on our vehicles, we do not  
5 look at the costs associated with it, we look  
6 at the speed in which we can fix the issue.

7 CHAIRMAN MURPHY: Was there a culture  
8 in GM at that time that they would have put  
9 cost over safety?

10 MS. BARRA: Again, we're doing --  
11 we're doing a complete investigation, but I  
12 would say in general we've moved from a cost  
13 culture after the bankruptcy to a customer  
14 culture.

15 We've trained thousands of people  
16 on putting the customer first. We've actually  
17 gone with outside training. It's a part of our  
18 core values and it's one of the most important  
19 cultural changes we're driving in General  
20 Motors today.

21 CHAIRMAN MURPHY: I understand today;  
22 we're asking about then. I'm out of time.

1 Ms. DeGette, you're recognized  
2 for five minutes.

3 MS. DeGETTE: Thank you very much,  
4 Mr. Chairman.

5 Ms. Barra, GM knew about the  
6 defect in the ignition switches as far back as  
7 2001, 13 years before the recall, correct?

8 MS. BARRA: The --

9 MS. DeGETTE: Yes or no will work.

10 MS. BARRA: The investigation will  
11 tell us that.

12 MS. DeGETTE: You don't know when GM  
13 knew about the defect?

14 MS. BARRA: I will -- I --

15 MS. DeGETTE: Take a look at Tab 7 in  
16 your notebook, Ms. Barra. This is a GM  
17 document, and what this GM document talks about  
18 is this switch.

19 It says: Tear-down evaluation on  
20 the switch revealed two causes of failure: Low  
21 contact force and low detent plunger force.

22 Do you recognize that document,

1 ma'am?

2 MS. BARRA: This is the first I've  
3 seen this document.

4 MS. DeGETTE: Okay. Well, so you  
5 don't know how long GM knew about this, right?

6 MS. BARRA: And that's why -- and  
7 that's why I'm doing a investigation.

8 MS. DeGETTE: Okay. And, in fact,  
9 Delphi, the manufacturer of the ignition  
10 switch, informed GM in 2002 that the switch was  
11 supposed to be 15 minimum torque specification,  
12 but, in fact, these switches were between four  
13 and ten, didn't it?

14 MS. BARRA: The specification is  
15 correct, that it was supposed to be 20 plus or  
16 minus 5.

17 MS. DeGETTE: And these switches were  
18 between four and ten, correct? Yes or no will  
19 work.

20 MS. BARRA: We know that now.

21 MS. DeGETTE: And -- and they -- and  
22 GM was notified by Delphi of this, correct?

1 Yes or no.

2 MS. BARRA: I am not aware of being  
3 notified.

4 MS. DeGETTE: Okay. Then --

5 MS. BARRA: Can I also correct I  
6 was trying --

7 MS. DeGETTE: I need a yes or no; I  
8 only have five minutes. I'm sorry.

9 So as far back as 2004, ten years  
10 ago, GM conducted a problem resolution tracking  
11 system inquiry after it learned of an incident  
12 where the key moved out of the run condition in  
13 a 2005 Chevrolet Cobalt; is this correct?

14 MS. BARRA: Again, you're relating to  
15 specific incidents that happened --

16 MS. DeGETTE: You don't know?

17 MS. BARRA: -- in our entire  
18 investigation.

19 MS. DeGETTE: You don't know about  
20 that? Take a look at Tab 8, please.

21 Yeah. And by the way, ma'am, I'm  
22 getting this information from the chronology



1 that GM provided to NHTSA.

2 MS. BARRA: Right. And there --

3 and --

4 MS. DeGETTE: So, let me ask you,  
5 again, as far back as 2004, GM conducted a  
6 problem resolution tracking system inquiry  
7 after it learned of an incident where the key  
8 moved out of the run condition; is that  
9 correct?

10 MS. BARRA: Yes.

11 MS. DeGETTE: Thank you. Now, after  
12 the PRTS inquiry, one engineer advised against  
13 further action because there was, quote, no  
14 acceptable business case to provide a  
15 resolution, and the PRTS was closed; is that  
16 correct?

17 MS. BARRA: If that is true, that is a  
18 very disturbing fact.

19 MS. DeGETTE: Yes, it is.

20 MS. BARRA: That is not the way we  
21 make decisions.

22 MS. DeGETTE: Okay. Again in 2005 GM

1 received more reports of engines stopping when  
2 the keys were jerked out of the run condition.

3 Further investigations were  
4 conducted and engineers provide -- proposed  
5 changes to the keys, is that correct?

6 MS. BARRA: It's part of our  
7 investigation to get that complete timeline  
8 under --

9 MS. DeGETTE: Okay. Well, much of  
10 this I'm taking from the timeline GM has  
11 already done.

12 MS. BARRA: Which was a summary.

13 MS. DeGETTE: Okay. So as a result of  
14 the investigation, a technical service bulletin  
15 was issued to dealers that if car owners  
16 complained, they should be warned of this risk  
17 and advised to take unessential items from the  
18 keychain, but this recommendation was not made  
19 to the public.

20 No public statements were issued,  
21 no recall set; is that correct?

22 MS. BARRA: It's my understanding,

1 yes.

2 MS. DeGETTE: Thank you.

3 In 2006, GM had contracted with  
4 Delphi to redesign the ignition switch to use a  
5 new detent plunger and spring that would  
6 increase torque force in the switch; is that  
7 correct?

8 MS. BARRA: Yes.

9 MS. DeGETTE: And for some reason,  
10 though, the new switch was not given a part  
11 number and instead shared a number with the  
12 original defective switch; is that correct?

13 MS. BARRA: Yes.

14 MS. DeGETTE: Now, this new switch  
15 also did not meet GM's minimum torque  
16 specifications either. This one Delphi said  
17 was in the range of ten to 15 and it really  
18 should have been 15 at a minimum; is that  
19 correct?

20 MS. BARRA: I have not seen the test  
21 results from then.

22 MS. DeGETTE: You don't know that.

1       Okay. Now, despite these facts, GM continued  
2       to manufacture cars with these same ignition  
3       switches from models 2008 to 2011; is that  
4       correct?

5               MS. BARRA: Yes.

6               MS. DeGETTE: And between 2004 and  
7       2014, no public notices were issued as a result  
8       of GM's knowledge of these facts and no recalls  
9       were issued for the over 2.5 million vehicles  
10      manufactured with these defective ignition  
11      switches; is that correct?

12              MS. BARRA: Yes.

13              MS. DeGETTE: And, finally, three  
14      recalls were made this year, 2014 -- 2014, two  
15      in February and one just last Friday; is that  
16      right?

17              MS. BARRA: Related to this ignition  
18      switch.

19              MS. DeGETTE: Now, I have -- I have  
20      just a couple more questions.

21                      The first question I have,  
22      Ms. Barra, GM is intending to replace all the

1 switches for those cars beginning on April 7th;  
2 is that right?

3 MS. BARRA: We will begin shipping  
4 material, or new parts --

5 MS. DeGETTE: Now, are you going to  
6 put a completely redesigned switch or are you  
7 going to put the old switches from 2006 into  
8 those cars?

9 MS. BARRA: It's going to be a switch  
10 that meets the --

11 MS. DeGETTE: Is it going to be a  
12 newly designed switch or is it going to be the  
13 old switch from 2006?

14 MS. BARRA: It's the old design that  
15 meets the performance that's required to act.

16 MS. DeGETTE: Okay. I have more  
17 questions, Mr. Chairman. Perhaps we can do  
18 another round. Thank you.

19 CHAIRMAN MURPHY: But an important  
20 part, follow-up, several members are concerned  
21 about this, too. You're saying that there is  
22 an ongoing investigation, you cannot comment on

1 these yet.

2 Are you getting updates on a  
3 regular basis as this is going on?

4 MS. BARRA: From Mr. Valukas?

5 CHAIRMAN MURPHY: From anybody in the  
6 company regarding these proceedings, are you  
7 getting updates?

8 MS. BARRA: Yes, I am.

9 CHAIRMAN MURPHY: Thank you. Now go  
10 to the chairman of the full committee,  
11 Mr. Upton, for five minutes.

12 MR. UPTON: Thank you once again,  
13 Ms. Barra, for being here this afternoon.

14 I want to make sure that we ask  
15 similar questions of both you and of NHTSA. We  
16 want to learn about the documents that were  
17 submitted on a timely and appropriate basis to  
18 that end, and in fact, what did they do with  
19 that information.

20 The documents that we've looked  
21 at produced showed that GM received complaints  
22 about its Cobalt ignition switch for about two

1 years that ultimately resulted in a redesigned  
2 ignition switch in 2006.

3 Who within GM would have known  
4 about those specific complaints? What was the  
5 process back then?

6 MS. BARRA: I -- I was not a part of  
7 that organization at the time; that's why I'm  
8 doing the investigation, to understand that.

9 MR. UPTON: So you don't know the  
10 folks that it would have been reported to at  
11 this point; is that right?

12 MS. BARRA: I don't know the people  
13 who would have been handling this issue at that  
14 point.

15 MR. UPTON: But you're getting updates  
16 and what -- what's supposed to happen? Looking  
17 back, what should have happened when these  
18 reports came in?

19 MS. BARRA: In general when you have  
20 an issue, a product issue, a safety issue, a  
21 field incident, any type of issue that comes  
22 in, you have a team of engineers that are the

1 most knowledgeable that work on that.

2 If they see there is an issue,  
3 they elevate it to a cross functional team that  
4 looks at it and then it goes to a group for a  
5 decision.

6 MR. UPTON: Now, we know that the  
7 ignition switch was, in fact, redesigned  
8 because it didn't meet the specs that were  
9 there; is that right?

10 MS. BARRA: Yes.

11 MR. UPTON: Now, I would guess that  
12 Engineering 101 would normally require that  
13 when you assign a new part or replace a new  
14 part -- or a replace a part with a new part,  
15 that that newly redesigned part in fact should  
16 have a different number on it; is that right?

17 MS. BARRA: That is correct.

18 MR. UPTON: So -- And that didn't  
19 happen, right? Did not happen?

20 MS. BARRA: That is correct.

21 MR. UPTON: Who within GM made the  
22 decision to move forward with that redesigned



1 switch without a new part number? Do you know  
2 who that is?

3 MS. BARRA: I do not know the name of  
4 the individual.

5 MR. UPTON: Are you going to be able  
6 to find that out for us?

7 MS. BARRA: Yes, I will.

8 MR. UPTON: And will you give that  
9 name to our committee?

10 MS. BARRA: I can provide that.

11 MR. UPTON: Is it -- Is it likely that  
12 that same person was the one that decided not  
13 to recall the defective version? Where --  
14 where did that -- Where in the timeline is  
15 that?

16 MS. BARRA: I don't know, but that is  
17 part of the investigation that we're doing.

18 MR. UPTON: Do you know when it was  
19 that it was discovered, what year -- you know,  
20 where in the timeline that it was discovered  
21 that, in fact, a new part number was not  
22 assigned?

1 MS. BARRA: I became aware of that  
2 after we did the recall and the timeline was  
3 put together.

4 MR. UPTON: So that was just within  
5 the last month or so; is that right?

6 MS. BARRA: That's when I became  
7 aware.

8 MR. UPTON: But when did GM realize  
9 that no new part number had been assigned?

10 MS. BARRA: Again, that's part of our  
11 investigation. I'm -- I want to know that just  
12 as much as you because that is an unacceptable  
13 practice. It is not the way we do business.

14 MR. UPTON: So you've stated publicly  
15 that something went wrong with the process?

16 MS. BARRA: Yes.

17 MR. UPTON: How is the process  
18 supposed to work? How are you redesigning the  
19 process to ensure that, in fact, it should work  
20 the way that it needs to work?

21 MS. BARRA: Well, one of the things  
22 we're doing is the investigation by

1 Mr. Valukas. I have some early findings from  
2 Mr. Valukas.

3 As we look across the company, it  
4 appears at this time there were -- was  
5 information in one part of the company and  
6 another part of the company didn't have access  
7 to that.

8 At times they didn't share  
9 information just by course of process, or they  
10 didn't recognize that the information would be  
11 valuable to another area of the company.

12 We have fixed that. We have  
13 announced a new position, Jeff Boyer, who is  
14 the vice president of Global Vehicle Safety.  
15 All of this will report to him.

16 He will have additional staff and  
17 have the ability to cut across the organization  
18 and will also have the right functional  
19 leadership that understands what's going on in  
20 the different areas, so that's a fix we've  
21 already made and he is operating that way  
22 today.

1 MR. UPTON: So when GM received  
2 complaints about ignition switches for a number  
3 of years and ended up resulting in the  
4 redesigned ignition switch in '06, when was it  
5 that anyone linked up the ignition switch  
6 problems to look at the Cobalt's airbags not  
7 deploying?

8 Was that at about the same time?  
9 Was that later? What's the timeline on that?

10 MS. BARRA: That is something I very  
11 much want to understand and know, but I --  
12 again, this is -- we are doing an investigation  
13 that spans over a decade. And it's very  
14 important because designing a vehicle is a very  
15 complex process that we get a detailed  
16 understanding of exactly what happened because  
17 that's the only way we can know that we can fix  
18 processes and make sure that it never happens  
19 again.

20 MR. UPTON: When was it that GM  
21 informed NHTSA that, in fact, redesigns -- Did,  
22 in fact, GM inform NHTSA that the ignition

1 switch had been redesigned?

2 MS. BARRA: I don't know that.

3 MR. UPTON: I yield -- I yield back.

4 CHAIRMAN MURPHY: Gentleman yields  
5 back.

6 Now recognize the ranking member  
7 of the full committee, Mr. Waxman, for five  
8 minutes.

9 MR. WAXMAN: Thank you, Mr. Chairman.

10 Ms. Barra, we've heard about how  
11 in 2002 GM approved the use of faulty ignition  
12 switches in Cobalts, Ions, and other cars,  
13 that's what caused many of the problems that  
14 led to the recall of the cars for model years  
15 2003 to 2007, so new ignition switches were  
16 designed and approved by General Motors. These  
17 were switches that were used -- were in use in  
18 the model years 2008 to 2010.

19 Does that all sound right to you?  
20 Am I correct in what I'm saying?

21 MS. BARRA: There's a couple  
22 statements you made at the beginning --

1 MR. WAXMAN: Oh.

2 MS. BARRA: -- that I don't know to be  
3 true.

4 MR. WAXMAN: Well, in 2002 GM approved  
5 the use of what turned out to be faulty  
6 ignition switches in several of these cars?

7 MS. BARRA: They were actually -- they  
8 were parts that went into a 2003, was the  
9 earliest model.

10 MR. WAXMAN: Well, the tests were done  
11 in 2002, but the cars were 2003 to 2007, so we  
12 had a recall of those cars?

13 MS. BARRA: Right.

14 MR. WAXMAN: And then there was a new  
15 switch, new ignition switch, designed and  
16 approved by GM, and these new switches were in  
17 use in the model years 2008 to 2010 Cobalts and  
18 Ions; is that --

19 MS. BARRA: To the best of my  
20 knowledge, that's correct.

21 MR. WAXMAN: Okay. But in a briefing  
22 last week, Delphi told committee staff that

1 these new switches also did not meet GM  
2 specifications.

3 They told us the force required  
4 to turn these switches was about two-thirds of  
5 what GM said it should be, and documents that  
6 were provided to the committee also confirmed  
7 that top GM officials were aware of the  
8 out-of-spec switches in 2008 and 2002 vehicles  
9 in December, 2013, so there is a document -- if  
10 you want to look it up, it's Tab 39, Page 6 of  
11 your binder.

12 There was a December presentation  
13 for GM's high-level executive field action  
14 decision committee, and that meeting -- at that  
15 meeting they showed that the performance  
16 measurement for almost half of 2008 -- so you  
17 go to 2008-2010 model year vehicles -- ignition  
18 switches were below the minimum GM-required  
19 specifications.

20 My question to you is are you  
21 concerned that many 2008 to 2010 model year  
22 cars have switches that do not meet the

1 company's specifications?

2 MS. BARRA: As we assessed the  
3 situation, my understanding, that there was  
4 work going on to look at these switches again,  
5 looking at -- Just because a switch -- or a  
6 part, an engineered part, doesn't meet  
7 specification does not necessarily mean it is a  
8 defective part.

9 As that analysis was going on, at  
10 the same time we were doing the look across to  
11 make sure we could get all of the spare parts  
12 and when we recognized that spare parts might  
13 be -- have been sold through third parties that  
14 have no tracking to know which, then we made  
15 the decision --

16 MR. WAXMAN: Well, your own  
17 executives --

18 MS. BARRA: -- to recall all of those  
19 vehicles.

20 MR. WAXMAN: -- were informed that a  
21 lot of these cars, those model years, had  
22 switches that were just as defective as the



1 2003 to 2007 cars, that -- those cars were  
2 recalled, but you didn't recall the model year  
3 2008 to 2011 vehicles until a month later, on  
4 March 28th, why did the company delay in  
5 recalling these newer vehicles?

6 MS. BARRA: The company was looking --  
7 My understanding is the company was assessing  
8 those -- those switches, but again, at the same  
9 time again in parallel they were looking at the  
10 spare parts issue, and the spare parts issue  
11 became very clear we needed to go and get all  
12 of those vehicles because we couldn't identify  
13 which vehicles may have had a spare part put in  
14 them, and we --

15 MR. WAXMAN: But you didn't --

16 MS. BARRA: And we did recall the  
17 entire population.

18 MR. WAXMAN: But you recalled those  
19 vehicles? You recalled them later?

20 MS. BARRA: Yes, we did.

21 MR. WAXMAN: But not when you knew  
22 there was a problem?

1 MS. BARRA: Well, we recalled them --

2 MR. WAXMAN: Your recall of these  
3 later vehicles did not mention the faulty  
4 switches that were originally installed in the  
5 cars, they mentioned only, quote, faulty  
6 switches may have been used to repair the  
7 vehicles.

8 Why did the company not announce  
9 that subpar switches may have been installed in  
10 those cars in the first place?

11 MS. BARRA: Again, there was an  
12 assessment going on to understand whether the  
13 specification -- the parts performance was  
14 adequate.

15 MR. WAXMAN: Well, wasn't it  
16 misleading to say that the company didn't tell  
17 them subpar switches may have been installed in  
18 the first place?

19 What if I owned a later model car  
20 with its original ignition switch? Your recall  
21 implies that I don't have to do anything, but  
22 my car might still -- still have a subpar

1 switch.

2 Will your company conduct a  
3 detailed analysis of these late model vehicles  
4 to determine if they're safe and will you  
5 provide the committee with warranty reports and  
6 other information so we can do our own  
7 analysis?

8 MS. BARRA: I believe we're recalling  
9 all of those parts. All of those vehicles are  
10 being recalled.

11 MR. WAXMAN: They're all being  
12 recalled. Well, I must say, in conclusion,  
13 Mr. Chairman, I'm concerned.

14 I know you've taken this job at  
15 an inauspicious time, you're trying to clean up  
16 a mess that was left behind for you by your  
17 predecessors, but I have one last question:  
18 How can GM assure its customers that new  
19 switches being installed beginning April 7th  
20 will finally meet GM's requirements?

21 Thank you.

22 MS. BARRA: We have done -- we are

1 working very closely with our supplier, our  
2 executive director responsible for switches is  
3 personally looking at the performance of the  
4 new switches.

5 We will do 100 percent  
6 end-of-line testing to make sure that the  
7 performance, the safety, the functionality of  
8 these switches are -- are safe.

9 CHAIRMAN MURPHY: Thank you. The  
10 gentleman's time has expired.

11 Ms. Barra, let me ask one  
12 question, I just want to be clear.

13 Did you review the documents that  
14 GM submitted to the committee?

15 MS. BARRA: No, I did not. There was  
16 over 200,000 pages --

17 CHAIRMAN MURPHY: How about the  
18 document Mr. Waxman is talking about, did you  
19 review that?

20 MS. BARRA: This page right here?

21 CHAIRMAN MURPHY: Yes.

22 MS. BARRA: I actually saw this for

1 the first time I think a day ago.

2 CHAIRMAN MURPHY: Thank you. Now I  
3 will recognize Ms. Blackburn for five minutes.

4 MS. BLACKBURN: Thank you,  
5 Mr. Chairman.

6 Ms. Barra, you've mentioned  
7 several times in your comments: "Today's GM",  
8 so my assumption is that you are going to run  
9 GM in a different manner than it has been run  
10 in the past --

11 MS. BARRA: That's correct.

12 MS. BLACKBURN: -- and that you are  
13 making some changes.

14 I want to ask you just a little  
15 bit about timeline, helping us to get our hands  
16 around this, because we're -- this is the first  
17 investigation we're going to do.

18 We're going to have others and  
19 continue to look at this to get answers and  
20 figure out what has happened here between you  
21 all and NHTSA and also within what happened at  
22 GM, so you mentioned in your testimony that

1 this came to light on your watch, so I am  
2 assuming that there was no widespread knowledge  
3 in GM about this issue until you became CEO.

4 Am I correct on that?

5 MS. BARRA: At the senior level of the  
6 company, we learned of this after the recall  
7 decision was made on January 31st.

8 I was aware there -- in late  
9 December there was analysis going on on a  
10 Cobalt issue, but I had no more information  
11 than that, but I can assure you, as soon as we  
12 understood -- the senior leadership understood  
13 this issue and that a recall decision had been  
14 made we acted without hesitation.

15 MS. BLACKBURN: Okay then. How did  
16 you find out about it? Was it through someone  
17 bringing the issue to you to say, Ms. Barra, we  
18 have a real problem here, or in doing your due  
19 diligence did you find out about it?

20 MS. BARRA: The committee -- the  
21 leadership committee responsible for making  
22 recall decisions made a decision on

1 January 31st.

2 They notified Mark Reuss, who  
3 immediately picked up the phone and called me.

4 MS. BLACKBURN: Okay. And could you  
5 submit to us the members of that leadership  
6 committee that make those --

7 MS. BARRA: Yes.

8 MS. BLACKBURN: -- recommendations?  
9 Thank you.

10 And then was your predecessor,  
11 Mr. Akerson, your predecessor, was he aware of  
12 this issue?

13 MS. BARRA: Not to my knowledge.

14 MS. BLACKBURN: He was not. Are any  
15 members of the leadership committee also --  
16 were they a part of his leadership committee?

17 MS. BARRA: There are members of  
18 today -- today's team that were also members of  
19 Mr. Akerson's leadership team, and to my  
20 knowledge, they were not aware.

21 MS. BLACKBURN: Okay. Do you think  
22 there was a cover-up or it was sloppy work?

1 MS. BARRA: That is the question I  
2 have asked Mr. Valukas to uncover, and I'm  
3 anxiously awaiting the results from his -- his  
4 study.

5 MS. BLACKBURN: Okay. Do you think it  
6 had anything to do with the auto bail-out?

7 MS. BARRA: With, I'm sorry?

8 MS. BLACKBURN: With the auto  
9 bail-out. Do you think it had anything --

10 MS. BARRA: Again, I need to -- to get  
11 the results of the study to make all  
12 determinations.

13 MS. BLACKBURN: And going back to what  
14 Mr. Upton said, you're going to be sharing that  
15 information with us?

16 MS. BARRA: Yes, we will.

17 MS. BLACKBURN: And get those --

18 MS. BARRA: We will be transparent.

19 MS. BLACKBURN: Okay. Was there --  
20 the engineers that were responsible for this,  
21 have you brought them into the process?

22 I know this is something that the



1 part was actually created by Delphi, correct?

2 MS. BARRA: Correct.

3 MS. BLACKBURN: And they have an  
4 engineering team that was working on that, so  
5 they have a shared responsibility and liability  
6 in this entire issue.

7 Have you met with them and with  
8 the engineering team that was responsible  
9 for -- for this switch?

10 MS. BARRA: I have not met with the  
11 specific engineering team --

12 MS. BLACKBURN: Okay.

13 MS. BARRA: -- that was responsible,  
14 but I am speaking to leadership, and those  
15 individuals are being interviewed as part of  
16 the investigation conducted by Mr. Valukas.

17 MS. BLACKBURN: Okay. Now, going  
18 back, did you say that this was a defective  
19 part when you talked about it earlier?

20 MS. BARRA: We have learned when we --  
21 when we knew -- when the recall decision was  
22 made and we later went back and looked at the

1 chronology, there's points that suggest -- and  
2 that's why we're doing the investigation.

3 MS. BLACKBURN: Okay. All right.  
4 Now, I think that you're going to hear from  
5 more than one of us about not having a new part  
6 number assigned. That -- Who made that  
7 decision?

8 Was that strictly a Delphi  
9 decision, or did that come into the GM supply  
10 chain for that decision to be made as to how  
11 that part number would be coded?

12 MS. BARRA: At a general level,  
13 General Motors is responsible for General  
14 Motors parts numbers.

15 MS. BLACKBURN: Okay.

16 MS. BARRA: But, again, that's part of  
17 the investigation to understand how that  
18 happened.

19 MS. BLACKBURN: Okay. Does that seem  
20 inconceivable to you?

21 MS. BARRA: Yes, it is inconceivable,  
22 it is not our process, and it is not

1 acceptable.

2 MS. BLACKBURN: Okay. I -- I would  
3 think that it probably is -- is not.

4 Have you asked Delphi if you can  
5 have access to their documentation and their  
6 e-mail chain dealing with this issue?

7 MS. BARRA: I have not, and we'll --  
8 Again, Mr. Valukas will go as the investigation  
9 takes him to get the information he needs to  
10 make a complete and accurate accounting of what  
11 happened.

12 MS. BLACKBURN: Okay. My time has  
13 expired. Thank you, Mr. Chairman.

14 I yield back.

15 CHAIRMAN MURPHY: Just for  
16 clarification, Ms. Blackburn, we have asked for  
17 that e-mail chain from Delphi, and we'll let  
18 you know when we get that.

19 Now recognize Chairman Emeritus  
20 of the committee, Mr. Dingell, for five  
21 minutes.

22 MR. DINGELL: Mr. Chairman, I thank

1       you for your courtesy.

2                       I begin by telling the families  
3       of those who were injured or killed by the  
4       defective General Motors' vehicles they have  
5       our sympathy, and we believe the events here  
6       are tragic indeed, and I join everyone in  
7       expressing my condolences to the families who  
8       were killed or injured in those crashes.

9                       Now, it is incumbent upon the  
10       Congress, federal regulators and General Motors  
11       to determine how these deaths could have  
12       happened and to take reasonable steps to ensure  
13       that the safety of American motorists and their  
14       families are moving forward.

15                      I expect that this investigation  
16       will be thorough, and I counsel all the  
17       stakeholders to be unabashedly forthright.

18                      Now, Ms. Barra, I'd like to build  
19       on Chairman Murphy's line of questioning, and  
20       all of my questions will require yes or no  
21       answers.

22                      If you cannot answer some of my

1 questions, I expect that you will submit  
2 responses for the record and all available  
3 relevant supporting materials.

4 Now, Ms. Barra, is it correct  
5 that GM has now recalled approximately  
6 2.5 million small cars in the United States due  
7 to defective ignition switches?

8 MS. BARRA: Yes.

9 MR. DINGELL: Yes or no.

10 Now, Ms. Barra, is it correct  
11 that GM recently expanded its recall of small  
12 cars because it was possible that defective  
13 ignition switches may have been installed as  
14 replacement parts? Yes or no.

15 MS. BARRA: Yes.

16 MR. DINGELL: Ms. Barra, is it correct  
17 that the ignition switch in question was  
18 originally developed in the late 1990's and  
19 approved by General Motors in February of 2002?  
20 Yes or no.

21 MS. BARRA: Yes.

22 MR. DINGELL: Ms. Barra, is it correct

1 that General Motors' own design specifications  
2 for such ignition switch required 20 plus or  
3 minus five Newton centimeters of torque to move  
4 the switch from the accessory position to the  
5 run position? Yes or no.

6 MS. BARRA: Yes.

7 MR. DINGELL: Ms. Barra, is it correct  
8 that General Motors approved production of such  
9 ignition switch despite test results by Delphi  
10 during the production part approval process, or  
11 PPAP, showing that the switch did not meet GM's  
12 torque requirement? Yes or no.

13 MS. BARRA: It's not clear to me.

14 MR. DINGELL: Now, Ms. Barra, is it  
15 correct that General Motors approved a redesign  
16 of the ignition switch used in the  
17 presently-recalled vehicles in April of 2006?

18 MS. BARRA: Yes.

19 MR. DINGELL: Ms. Barra, and is it  
20 correct that GM's torque requirement for the  
21 redesigned switch remained the same as for the  
22 original ignition switch? Yes or no.

1 MS. BARRA: It is not clear to me and  
2 that's why we're -- focused the investigation  
3 on that area specifically.

4 MR. DINGELL: When that information  
5 becomes available, would you submit it to the  
6 committee, please?

7 MS. BARRA: Yes, I will.

8 MR. DINGELL: Now, Ms. Barra, to your  
9 knowledge, did the redesigned ignition switch  
10 meet GM's torque requirements? Yes or no.

11 MS. BARRA: I believe --

12 MR. DINGELL: Do you want me to say it  
13 again? To your knowledge, did the redesigned  
14 ignition switch meet GM's torque requirement?  
15 Yes or no.

16 MS. BARRA: It's part of the  
17 investigation.

18 MR. DINGELL: Ms. Barra, will you  
19 please submit for the record an explanation of  
20 the factors that GM takes into consideration  
21 when approving a part for production?

22 Are there circumstances where GM

1 may approve parts for production when such  
2 parts do not make such design specifications?  
3 Yes or no.

4 MS. BARRA: Yes.

5 MR. DINGELL: If so, could you please  
6 submit materials for the record explaining when  
7 and why that might occur?

8 MS. BARRA: Yes.

9 MR. DINGELL: Ms. Barra, I appreciate  
10 the lengths to which GM under your leadership  
11 is going to recall the vehicles and ensure that  
12 they are safe to drive.

13 GM's cooperation with the  
14 committee is necessary in order to understand  
15 the process by which and the reasons decisions  
16 were made leading up to the 2014 recall.

17 You may have so far done so, and  
18 I expect that you will continue to do so.  
19 Thank you for your courtesy, Mr. Chairman.

20 Thank you, Ms. Barra.

21 I yield back the balance of my  
22 time.



1 CHAIRMAN MURPHY: Gentleman yields  
2 back. Now recognize the Chairman Emeritus of  
3 the majority, Mr. Barton of Texas, for five  
4 minutes.

5 MR. BARTON: Thank you, Mr. Chairman.

6 Before I ask my questions, I want  
7 to make just a general observation. This is  
8 probably the last major investigation that this  
9 subcommittee and full committee is going to  
10 conduct where we have the services of  
11 Mr. Dingell and Mr. Waxman.

12 We've had a history on this  
13 committee and this subcommittee going back at  
14 least 40 to 50 years that when we have major  
15 issues, we try to approach them on behalf of  
16 the American people in a nonpartisan, very open  
17 way, and it certainly appears that we're going  
18 to continue that tradition today, so I hope  
19 that we can show the best to the American  
20 people that the Congress at its best gets the  
21 facts, presents the facts, and does so in a way  
22 that in the future we protect the public health

1 and safety for the American people.

2 Now, with that caveat, I do have  
3 a few questions. A number of Congressmen so  
4 far have made the point that these ignition  
5 switches didn't appear to meet specifications,  
6 and I -- my assumption is that you have agreed  
7 that they did not meet specification.

8 Is that correct?

9 MS. BARRA: We have learned that as we  
10 did the recall.

11 MR. BARTON: Now, I'm an industrial  
12 engineer, and I used to be a registered  
13 professional engineer. I'm not currently  
14 registered, but I have been in the past.

15 Why in the world would a company  
16 with the stellar reputation of General Motors  
17 purchase a part that did not meet its own  
18 specifications?

19 MS. BARRA: I want to know that as  
20 much as you do. It is not the way we do  
21 business today, it's not the way we want to  
22 design and engineer vehicles for our customers.

1 MR. BARTON: I mean, I just don't  
2 understand that. I never worked in an auto  
3 assembly environment, I've worked in a defense  
4 plant, an aircraft plant. I was plant manager  
5 of a printing plant. I've done limited, very  
6 limited consulting in the oil and gas industry,  
7 but I've never been a part of an organization  
8 that said we set the specs, when a part doesn't  
9 meet the specs, we go ahead and buy it anyway.

10 And I just -- you know, you're  
11 currently the CEO, but at one time I think  
12 before you became CEO you were the vice  
13 president for global product development,  
14 purchasing and supply chain. Let me --

15 Is it your position now that  
16 General Motors will not accept parts that don't  
17 meet specifications?

18 MS. BARRA: We will not accept parts  
19 that don't meet our performance, safety,  
20 functionality, durability requirements.

21 As I mentioned before in the  
22 steel example, there will be times where there

1 will be a material or a part that doesn't meet  
2 the exact specification, but after analysis and  
3 looking at the information, the safety, the  
4 durability, the reliability, the functionality,  
5 it will be okay.

6 That happens very often as we buy  
7 steel to make the bodies of the vehicles.

8 MR. BARTON: Well, then -- then you  
9 don't need specifica --

10 MS. BARRA: No, but -- but --

11 MR. BARTON: What you just answered is  
12 gobbledygook.

13 MS. BARRA: But --

14 MR. BARTON: It's your own  
15 specification. It's your company's  
16 specification.

17 If a part doesn't meet the  
18 specification, why in the world would you not  
19 refuse it and only accept a part that meets a  
20 specification?

21 MS. BARRA: There needs to be a  
22 well-documented process if you accept a part

1 that doesn't meet the original specification.

2 MR. BARTON: A --

3 MS. DeGETTE: Will the chairman yield?

4 CHAIRMAN MURPHY: Briefly, yes.

5 MS. DeGETTE: Do you have that  
6 information?

7 MS. BARRA: On steel?

8 MS. DeGETTE: No, on starters.

9 MS. BARRA: On the ignition switch?

10 MS. DeGETTE: Yeah. If it doesn't --  
11 didn't meet specifications, do you have the  
12 information on these starters, that it met all  
13 these other criteria?

14 MS. BARRA: That is part of the  
15 investigation, but clearly by the fact that we  
16 made a recall, it did meet -- did not meet the  
17 performance specifications.

18 MR. BARTON: We have the advantage as  
19 the subcommittee that we know now what happened  
20 in the past, we know now that there is a real  
21 problem, we know now that -- that a number of  
22 young people have lost their lives apparently

1 because of this -- this defect, so we have the  
2 advantage of hindsight, and so I understand  
3 that, but as Ms. DeGette just said, and a  
4 number of others, there's no reason to have  
5 specifications if you don't enforce them.

6 This next question is not a trick  
7 question, but it's an important question.

8 Right now how many parts are  
9 being used in General Motors' product that  
10 don't meet your own company specifications?

11 MS. BARRA: I don't have that exact  
12 number, but I can tell you the parts that we're  
13 using today meet the performance and the  
14 reliability, the safety, that they need to.

15 If we find we have a part that is  
16 defective that doesn't meet the requirements,  
17 we then do a recall or --

18 MR. BARTON: Well, again, that's not  
19 an acceptable answer I think to the American  
20 people. We're not telling you the  
21 specifications to set.

22 Now, there are some safety

1 specifications that by law and NHTSA by  
2 regulation set, but there shouldn't be a part  
3 used in any GM product -- or for that matter,  
4 any other automobile product that's sold in the  
5 United States that doesn't -- that doesn't meet  
6 the specifications.

7 My last question -- Well, at what  
8 level was the decision made to override and to  
9 use this part even though it didn't meet  
10 specification?

11 Was that made at the  
12 manufacturing level, at the executive level, or  
13 even at some subcomponent purchasing level?

14 Do you know that right now?

15 MS. BARRA: That's part of our  
16 investigation, to find that question -- answer  
17 that question.

18 MR. BARTON: All right. Thank you.  
19 Thank you, Mr. Chairman.

20 CHAIRMAN MURPHY: All right.  
21 Gentleman's time has expired.

22 Now recognize Mr. Braley for five

1 minutes.

2 MR. BRALEY: Thank you, Mr. Chairman.

3 Ms. Barra, we've had different  
4 perspectives during this hearing; you've been  
5 appropriately focusing your attention on the  
6 members of this committee and answering our  
7 questions, and I've been staring at these  
8 photographs on the back wall, and I see young  
9 women the same age as my daughter, I see young  
10 men the same age as my two sons. My son Paul  
11 owns one of your Cobalts.

12 I see a young Marine in his dress  
13 blues, and I'm reminded of the photograph I  
14 have in my office upstairs of my father at the  
15 age of 18 in his dress blues at Camp Pendleton,  
16 and the focus of this hearing so far has been  
17 on GM's commitment to safety, which I think we  
18 all agree is an important topic for this  
19 hearing.

20 You testified in your opening --  
21 and I think I am quoting -- our customers and  
22 their safety are at the center of everything we



1 do, and you responded to a question from  
2 Ms. Blackburn and told us that you were going  
3 to run GM differently than it's been run in the  
4 past, and I have a copy of GM's March 18th  
5 press release announcing Jeff Boyer as your new  
6 Vice President of Global Vehicle Safety, and in  
7 this press release he is quoted as saying  
8 nothing is more important than the safety of  
9 our customers and the vehicles they drive.  
10 Today's GM is committed to this, and I am ready  
11 to take on this assignment.

12 20 years ago today, before this  
13 hearing, an Iowa family harmed by another  
14 defective GM vehicle gave me this promotional  
15 screwdriver set that they got from their local  
16 GM dealer, and if you look at it, on the  
17 outside it has a slogan, "Safety comes first at  
18 GM."

19 So my question for you -- and I  
20 think the question that these families back  
21 here want to know, is what's changed at GM?

22 Isn't it true that throughout its

1 corporate history GM has represented to the  
2 driving public that safety has always been  
3 their number one priority?

4 MS. BARRA: I can't speak to the  
5 statements that were made in the past; all I  
6 can tell you is the way we are working now, the  
7 training that we've done. We have changed our  
8 core values, the decision-making.

9 We're leading -- we're leading by  
10 example, we're -- you know, one of the process  
11 changes that we've also made is in addition to  
12 when the technical community makes their  
13 decision about a safety recall or a recall, we  
14 are going to be reviewing it, Mark Royce, the  
15 head of local product development and myself,  
16 to see if there is more than we want to do.  
17 We --

18 MR. BRALEY: Hasn't the core values of  
19 General Motors always been that safety comes  
20 first?

21 MS. BARRA: I've never seen that part  
22 before.

1 MR. BRALEY: Isn't it true that  
2 throughout the history of the company it's made  
3 representations like this to the driving public  
4 as a way of inducing them to buy your vehicles?

5 MS. BARRA: Today's General Motors,  
6 we -- All I can tell you is today's General  
7 Motors, we are focused on safety.

8 We have over 18 vehicles that  
9 have five-star crash rating. Our entire Buick  
10 lineup meets that requirement. We take it  
11 very --

12 MR. BRALEY: But we are talking about  
13 these vehicles and what's changed.

14 Have you had a chance to read  
15 this article in the Saturday New York Times, a  
16 Florida engineer's eureka moment with a deadly  
17 GM flaw?

18 MS. BARRA: I believe I read a portion  
19 of that article.

20 MR. BRALEY: Okay. This is an article  
21 by a writer named Bill Vlasic, and he wrote in  
22 here about an engineer named Mark Hood who was

1 at a loss to explain why the engine in Brooke  
2 Melton's Cobalt had suddenly shut off causing  
3 her fatal accident in 2010 in Georgia?

4 Then he bought a replacement for  
5 \$30 from a local GM dealership and the mystery  
6 quickly unraveled.

7 For the first time someone  
8 outside GM, even by the company's own account,  
9 had figured out a problem that it had known  
10 about for a decade and is now linked to 12  
11 deaths.

12 Even though the new switch had  
13 the same identification number, Mr. Hood found  
14 big differences, and then the article  
15 continues, So began the discovery that would  
16 set in motion GM's worldwide recall of  
17 2.6 million Cobalts and other cars and one of  
18 the gravest safety crises in the company's  
19 history.

20 Do you agree with the author that  
21 this is a grave safety crisis in the history of  
22 General Motors?

1 MS. BARRA: I've said that this  
2 incident took way too long, it is not  
3 acceptable, and that's why we're making radical  
4 change to the entire process, adding more  
5 resources, and even a vice president of Global  
6 Vehicle Safety, who is tremendously experienced  
7 and of the highest integrity, and we will  
8 continue to make processes and -- process  
9 changes and people changes as we get the  
10 results of the Mr. Valukas investigation, and  
11 we will take all of those recommendations and  
12 we will make changes.

13 MR. BRALEY: Before I yield back,  
14 Mr. Chairman, I would like to ask unanimous  
15 consent to have this article added to the  
16 record as part of the hearing if it's not  
17 already part of the record.

18 CHAIRMAN MURPHY: Without objection,  
19 so --

20 MS. BLACKBURN: If the gentleman would  
21 yield his remaining second, Ms. Barra said they  
22 had changed their core values; I think it would

1 be great if she could submit to us what those  
2 new core values for GM are so we would have  
3 those for the record.

4 CHAIRMAN MURPHY: We'll ask that for  
5 the record.

6 MR. BRALEY: And I would also like to  
7 have any prior statement of core values from  
8 General Motors over the last 20 years so that  
9 we can see what has changed, Mr. Chairman.

10 CHAIRMAN MURPHY: We'll be asking the  
11 members for -- several questions to submit to  
12 GM for the record.

13 Now recognize the vice chair of  
14 the subcommittee, Dr. Burgess, for five  
15 minutes.

16 DR. BURGESS: Thank you, Chairman, and  
17 thank the witness for spending so much time  
18 with us this afternoon.

19 You mentioned, Ms. Barra, in the  
20 start of your written testimony that over a  
21 decade ago General Motors embarked on a small  
22 car program.

1 Do you recall why that was?

2 MS. BARRA: I'm sorry?

3 DR. BURGESS: Why did GM embark on a  
4 small car program ten years ago, over a decade  
5 ago?

6 MS. BARRA: To have a complete  
7 portfolio, I believe.

8 DR. BURGESS: But the mission or the  
9 type of car manufactured by GM previously had  
10 not -- had not fit that model, so this was an  
11 entirely new business line that GM was  
12 undertaking?

13 MS. BARRA: The -- the Cobalt and --  
14 There are several cars, but if you are speaking  
15 specifically about the Cobalt, it was following  
16 a previous small car, but it was an all new  
17 program architecture, et cetera.

18 DR. BURGESS: Was any part of this  
19 done because of the cafe standards that were  
20 changing?

21 Was any of this done because of  
22 Congressional action that had occurred

1 previously?

2 MS. BARRA: I cannot answer that  
3 question. I wasn't in decision making at that  
4 point.

5 DR. BURGESS: Let me ask you this:  
6 When Mr. Waxman was giving his opening  
7 statement, he said it was a shame that the  
8 National Highway Traffic Safety Administration  
9 did not have access to the same information  
10 that General Motors had.

11 Do you think that was a fair  
12 statement for him to have made?

13 MS. BARRA: As part of the  
14 investigation we're doing, I'm looking at what  
15 information was provided and when.

16 DR. BURGESS: And that, you know,  
17 becomes then the troubling part of all of this,  
18 I think Ranking Member DeGrette had you look at  
19 Tab 8 in the -- in the information binder and  
20 this was talking about the ignition key  
21 cylinder assembly, and the date of the PDF that  
22 I have is January 1st of 2005.



1                   Again, you'll find that under  
2                   Tab 8, but later on in the same document it  
3                   says, We are closing this with no action.

4                   The main reasons are all possible  
5                   solutions were presented, the lead time for  
6                   solutions is too long, the tooling and costs --  
7                   tooling costs and price -- piece price were too  
8                   high and none of the solutions seems to fully  
9                   countermeasure the possibility of the key being  
10                  turned off.

11                  So that was all in January of  
12                  2005, and then, you know, as part of our  
13                  document evaluation for getting ready for this  
14                  hearing there were several accident reports  
15                  that were supplied to us, and one of those  
16                  occurred not too far away in Maryland in the  
17                  middle of the Summer of 2005, and in that  
18                  accident sequence a Cobalt hit a series of  
19                  trees at the end of a cul-de-sac, the driver  
20                  was fatally injured during that.

21                  She wasn't wearing a seatbelt,  
22                  wasn't a terribly large individual, she weighed

1 about a hundred pounds. Because the airbag did  
2 not deploy, though, it would be my -- well, you  
3 just have to wonder had the airbag deployed,  
4 would her small frame have been protected.

5 I mean, she broke the rim off the  
6 steering wheel because of the impact of the  
7 collision, her body with the steering wheel and  
8 steering column.

9 Of course the steering wheel  
10 being somewhat indented toward the driver, the  
11 lower part of the driver's body, hit her under  
12 the rib cage apparently resulting in a liver  
13 laceration, which resulted in the  
14 exsanguination in the time sequence to get her  
15 out of the crash and get her to the hospital.

16 You can't help but wonder because  
17 the -- the other injuries that were reported  
18 with that crash are really fairly -- fairly  
19 mild.

20 You've got to believe the airbag  
21 would have made a difference there. I just  
22 can't help but think that the people evaluating

1 this must have asked themselves why -- why no  
2 airbag went off with this type of crash.

3 She was going 70 miles an hour  
4 and hit an oak tree. Wouldn't that be a  
5 logical place for an airbag to deploy?

6 MS. BARRA: First off, it's a very  
7 tragic situation, some of -- the fatalities in  
8 these vehicles again we see as a tragedy -- as  
9 a tragedy and we have apologized.

10 As I read the document that you  
11 have asked me, I find that unacceptable, that  
12 any engineer would stop at that point if there  
13 was an issue that they felt was a safety  
14 defect, and that's why we're doing the  
15 investigation, again, to put a complete  
16 timeline together and I commit to you we will  
17 take action and we will -- we've made process  
18 changes. We will fix the process.

19 Our goal is to have a world class  
20 safety process.

21 MR. BRALEY: And I -- I respect you  
22 for -- for being here and answering that way.

1                   One of the other accidents that's  
2       recorded in our binder under Tab 20 was a  
3       head-on collision that occurred I believe in  
4       Pennsylvania where another -- the Cobalt was  
5       not at fault, another car went over the -- the  
6       center line and there was a head-on impact.  
7       Again the Cobalt airbags did not deploy. The  
8       driver of the other vehicle, the airbag did  
9       deploy.

10                  It seems to me this should be a  
11       red flag to the people who investigate airbag  
12       non-deployments as an occurrence or as an  
13       issue.

14                  In fairness let me just state  
15       that all of the front seat occupants in both  
16       vehicles were -- were deceased as a result of  
17       that accident, so the deployment of the airbag  
18       in that situation did not protect -- preserve  
19       the life of the driver, but still you'd have to  
20       ask the question, you've got a Cobalt and a  
21       Hyundai meeting head on, why did the Cobalt's  
22       airbags not deploy.

1                   It was the exact same force for  
2 both vehicles and there was no intercedent  
3 jarring of the vehicle. They didn't run off  
4 the curb, they didn't run over another tree  
5 first.

6                   So the airbag did not deploy, and  
7 why would that have been the case in that  
8 particular accident?

9                   MS. BARRA: Again, it's a -- it's a  
10 tragic situation any time there is a loss of  
11 life in a traffic situation.

12                   Again, I -- this is not a  
13 report -- or an investigation that was done by  
14 GM.

15                   I -- I can't answer your  
16 questions because it's usually very complex as  
17 they look at that, so I -- I can't comment on  
18 this particular study.

19                   MR. BRALEY: If that is part of your  
20 internal investigation, though, I would like  
21 for you to make that information available to  
22 the committee staff and to the committee.

1 CHAIRMAN MURPHY: It's time.

2 MS. BARRA: We can -- We will make  
3 whatever information we have available.

4 MR. BRALEY: Thank you, and thanks for  
5 being here.

6 CHAIRMAN MURPHY: Your time has  
7 expired.

8 Now recognize Ms. Schakowsky for  
9 five minutes.

10 MS. SCHAKOWSKY: Thank you. Thank  
11 you, Mr. Chairman.

12 Mr. Braley testified about the  
13 pictures in the back and I think that what must  
14 make it more -- even more painful is that these  
15 deaths were needless, so I want to ask you  
16 about something a little bit more than an  
17 apology.

18 One of the many questions raised  
19 about GM is how -- GM today is how they will --  
20 you will handle accidents that happened prior  
21 to the company's bankruptcy.

22 GM filed for bankruptcy in June,

1 2009, emerging as new GM about six weeks later,  
2 so that means that new GM, the company as it  
3 exists today, I've been told may not be liable  
4 for accidents that occurred prior to July,  
5 2009.

6 Is that your understanding,  
7 Ms. Barra?

8 MS. BARRA: We at GM want to do the  
9 right thing for our customers, and that's why  
10 we feel this is an extraordinary situation.

11 As I have said, it took too long  
12 to get to the answers and the understanding  
13 about this part. That's why we have hired  
14 Mr. Feinberg.

15 We feel Mr. Feinberg has had  
16 extensive experience, and he will bring his  
17 experience and objectivity to assess what are  
18 the appropriate next steps because we do  
19 understand that we have civic responsibilities  
20 as well as legal responsibilities.

21 MS. SCHAKOWSKY: Are you saying that  
22 the hiring of Mr. Feinberg indicates that GM

1 will give some -- some kind of settlement with  
2 those individuals whose -- families whose loved  
3 ones lost their lives?

4 MS. BARRA: We have just begun to work  
5 with Mr. Feinberg; in fact, our first meeting  
6 will be on Friday.

7 It will take probably 30 to  
8 60 days to evaluate the situation, so I have --  
9 we have not made any decisions. We have just  
10 started this process with Mr. Feinberg.

11 MS. SCHAKOWSKY: And that might  
12 include people who have been injured as well?

13 MS. BARRA: Again, I -- we have not  
14 made any decisions.

15 MS. SCHAKOWSKY: Let me ask you this:  
16 During GM's restructuring, did the company  
17 disclose what it knew about this ignition  
18 switch defect?

19 By 2009 there is no doubt  
20 officials in GM were aware of this problem.

21 MS. BARRA: I was not aware of this  
22 issue, I can't speak to what was disclosed,



1 but -- so, again, our investigation will cover  
2 if there was any information.

3 To my knowledge, there was -- it  
4 was not known at the senior leadership of the  
5 company.

6 MS. SCHAKOWSKY: So does GM accept  
7 responsibility for the accidents caused by the  
8 company's defective vehicles?

9 MS. BARRA: We -- I -- First of all, I  
10 again want to reiterate, we think the situation  
11 is tragic, and we apologize for what has  
12 happened, and we are doing a full investigation  
13 to understand --

14 MS. SCHAKOWSKY: I am talking about  
15 responsibility and even liability.

16 MS. BARRA: Responsibility and -- I'm  
17 sorry, I don't understand.

18 MS. SCHAKOWSKY: And even liability.  
19 Do you take responsibility? Is the company  
20 responsible?

21 MS. BARRA: The --

22 MS. SCHAKOWSKY: The new GM, is it

1 responsible?

2 MS. BARRA: We will make the best  
3 decisions for our customers, recognizing that  
4 we have legal obligations and responsibilities  
5 as well as moral obligations.

6 We are committed to our customers  
7 and we are going to work very hard to do the  
8 right thing for our customers.

9 MS. SCHAKOWSKY: I hope that you do do  
10 the right thing. Let me ask you about some of  
11 the people who potentially knew about this.

12 Where is my -- hold on one  
13 second. Okay.

14 So you've appointed a new -- for  
15 the first time a president of Global Vehicle  
16 Safety.

17 I have to tell you I am  
18 underwhelmed by that, thinking it's such an  
19 obvious thing to have someone high up that  
20 would, in fact, be able to connect the  
21 departments, so everyone knew -- I guess it's a  
22 good thing; however, that it's finally --

1 finally done.

2 So we know that Ray DiGiorgio was  
3 the GM engineer who approved the ignition  
4 switch redesign in 2006. Is he still an  
5 employee of your company?

6 MS. BARRA: I believe he is.

7 MS. SCHAKOWSKY: Do you know who  
8 signed off on the initial faulty ignition  
9 switch that did not meet your specifications?

10 MS. BARRA: I don't, but that's what I  
11 will learn with the investigation, and after we  
12 have a complete investigation from a very  
13 complex process, we will take action.

14 We will change process, and we  
15 will deal with any people issues.

16 I think we demonstrated in the  
17 issues we learned in India with the Tavera  
18 about a year ago, we will take serious steps  
19 and hold people accountable.

20 MS. SCHAKOWSKY: So no one right now  
21 has lost their job as a result of this  
22 knowledge about this defective part?

1 MS. BARRA: We are just a few weeks  
2 into the investigation by Mr. Valukas. We've  
3 already made process changes, and as I return  
4 to the office after this, we will begin to look  
5 at the implications now that we have more data  
6 coming from the investigation and take the  
7 appropriate steps.

8 MS. SCHAKOWSKY: Thank you. I yield  
9 back.

10 CHAIRMAN MURPHY: The gentleman yields  
11 back.

12 Now recognize the gentleman from  
13 Georgia, Dr. Gingrey, for five minutes.

14 DR. GINGREY: Mr. Chairman, thank you  
15 very much. This hearing is much appreciated.

16 Pretty poignant to me since  
17 Brooke Melton lived in my congressional  
18 district at the time, and had it not been for  
19 an outstanding plaintiff's attorney in the Cobb  
20 Judicial District in Georgia in bringing this  
21 case, I'm sure it was against the local  
22 dealership, it resulted in a settlement, but it

1 brought to light what's going on now, and the  
2 purpose -- and hopefully some good can come  
3 from this hearing, and I want to thank Chairman  
4 Murphy for holding it and investigating the  
5 root causes of the General Motors' recall of  
6 over 2.6 million vehicles linked to these  
7 ignition defects.

8                   Unfortunately, Ms. Barra, I heard  
9 just yesterday that the recall now includes  
10 6.3 million vehicles.

11                   And I do want to speak a little  
12 about this lady named Brooke Melton, a nurse in  
13 Spalding County, Georgia, which at the time was  
14 in the district I represent, and she was, as  
15 you know, tragically killed March the 10th,  
16 2010, on her 29th birthday, in a horrific  
17 side-impact accident on Highway 92 and the  
18 ignition switch in the access reposition.

19                   Just the day before, just the day  
20 before her death, she took her 2005 Chevy  
21 Cobalt into the dealership for service and the  
22 service report stated: Customer states engine

1 shut off while driving, please check, end of  
2 quote.

3 Despite the fact that a service  
4 bulletin was issued from General Motors for  
5 faulty ignition switches back in 2005, for that  
6 make and that model, the on-site mechanics  
7 cleaned the fuel line, cleaned the fuel  
8 injection, told her to come pick up her car,  
9 which she did.

10 Brooke Melton's tragic death is  
11 not acknowledged as part of this recall because  
12 it involved a side impact instead of a front  
13 impact.

14 Mrs. Melton's parents, Ken and  
15 Beth -- they're not here today I don't think --  
16 but they deserve answers.

17 Ms. Barra, is Brooke Melton  
18 included in General Motors' death count? Yes  
19 or no.

20 MS. BARRA: To my knowledge, no.

21 DR. GINGREY: No?

22 MS. BARRA: It was a side impact and

1 we --

2 DR. GINGREY: Right. Why did General  
3 Motors not include the non-deployment of  
4 airbags from side-impact accidents resulting in  
5 loss of life or injury in this recall?

6 MS. BARRA: As you look at a frontal  
7 collision and the way the airbag is to operate,  
8 I believe the assessment -- that was -- the  
9 assessment was made that would potentially be  
10 related to the switch.

11 DR. GINGREY: Yeah, but, Ms. Barra, if  
12 you connect the dots -- I mean, the ignition  
13 gets knocked over to the accessory position,  
14 there was a problem, you were using faulty --  
15 even by your own standards -- equipment, and so  
16 maybe what happened was that all of a sudden  
17 the car stalls, she is driving perfectly,  
18 trying to control without any power steering,  
19 without any power brakes, may very well have --  
20 and I don't know the details of that accident,  
21 but may very well have run through a four-way  
22 or a red light and was slammed into from the

1 side.

2 Whether it was a head-on  
3 collision or side collision, it would be for  
4 the same reason, and she is dead, and that was  
5 almost four years ago.

6 I don't understand why -- why  
7 General Motors does not include the  
8 non-deployment of airbags from side-impact  
9 accidents resulting in loss of life or injury  
10 in this recall.

11 Can you explain that to us?

12 MS. BARRA: Well, first of all, all of  
13 the accidents and fatalities are very tragic,  
14 as you've -- as you've indicated, and we are  
15 deeply sorry for those.

16 We have been very clear of the  
17 number that we've put forward. There's been a  
18 lot of analysis that's gone on to look at  
19 potential incidents, and --

20 DR. GINGREY: Well, did General Motors  
21 investigate or do you plan to investigate  
22 whether this condition relates to the



1 non-deployment of airbags and side-impact  
2 crashes?

3 MS. BARRA: We have individuals that  
4 are looking at the available information from  
5 accident --

6 DR. GINGREY: Well, you told us about  
7 your recent hire, and -- well, lastly,  
8 Ms. Barra, to what extent did GM regularly  
9 inform dealerships, like the dealership  
10 obviously in Cobb County, of its 2005 technical  
11 service bulletin on faulty ignition switches so  
12 that these service technicians, these young  
13 guys, you know, maybe working there six months  
14 to a year, that they could properly address a  
15 customer complaint like Brooke had the day  
16 before her death?

17 MS. BARRA: I'm sorry. Was your  
18 question how do we communicate service  
19 bulletins? I didn't --

20 DR. GINGREY: How do you make sure  
21 that these dealerships all across the country  
22 and their service departments are making sure

1 that their technicians are getting and  
2 receiving the instructions?

3 MS. BARRA: We can provide details on  
4 exactly how we communicate service bulletins  
5 and how that's rolled out to each of our  
6 dealerships across the country.

7 DR. GINGREY: I hope you will. Thank  
8 you. Thank you, Ms. Barra. And, Mr. Chairman,  
9 I yield back.

10 CHAIRMAN MURPHY: Ms. Barra, related  
11 to his questions, with all of these cars  
12 recalled and waiting for parts, what are  
13 drivers supposed to do in the meantime while  
14 their cars sit in the driveway?

15 MS. BARRA: We have communicated and  
16 we have done extensive testing that if you  
17 take the -- if you have just the ignition key  
18 with the ring or just the ignition key, the  
19 vehicle is safe to drive.

20 If people are not comfortable  
21 with that, we are making loaners or rentals  
22 available. They can go to their dealer. We

1 have over 13,000 customers that have these  
2 vehicles in rentals or loaners right now.

3 CHAIRMAN MURPHY: And you are assuring  
4 people it is safe to drive if they just take  
5 the other things off the key?

6 MS. BARRA: There's been extensive  
7 testing done by the engineering team and with  
8 just the key and the ring or just the key, we  
9 believe it is safe based on our testing.

10 CHAIRMAN MURPHY: Recognize Mr. --

11 MS. DeGETTE: Excuse me, Mr. Chairman.

12 CHAIRMAN MURPHY: Yes.

13 MS. DeGETTE: Is that true of the --  
14 of the earlier ignitions as well as the 2006,  
15 all of them? All these cars that's true?

16 MS. BARRA: That is our -- Yes.

17 MS. DeGETTE: Thank you.

18 CHAIRMAN MURPHY: Mr. Tonko, you are  
19 recognized for five minutes.

20 MR. TONKO: All right. Thank you,  
21 Mr. Chair.

22 Ms. Barra, thank you for

1 appearing before the committee and I have to  
2 believe for the members of -- family members  
3 and friends of the victims of this tragic  
4 outcome, it must be a very painful process to  
5 sit here and listen to the exchange.

6 Just a comment at first, we're  
7 hearing a lot about information that will come  
8 post the investigation or the review; however,.

9 I hold in my hands a February  
10 report and a March report to NHTSA on behalf of  
11 GM under your watch that provides detailed  
12 timelines with a whole bit of knowledge  
13 exchanged.

14 And I'm confused somewhat about  
15 that fair amount of knowledge that has been  
16 formally exchanged to NHTSA, NHTSA, and at the  
17 same time we're hearing well, we don't know  
18 until the investigation is complete.

19 So there's a conflict that I  
20 think is brought to bear here in terms of an  
21 exchange that has been detailed in the last few  
22 weeks under the watch of the -- the new General

1 Motors, today's GM.

2 And at the same time when I was  
3 listening to a representative from Illinois ask  
4 about the corporate chart and the changes, no  
5 changes have been made, we're waiting for that  
6 pending the investigation.

7 But at the same time we've  
8 characterized or relabeled it as today's  
9 General Motors, so while we're all products of  
10 the environment that produces us, the cultural  
11 impact of GM seems to still be in play with a  
12 number of people who have perhaps shifted  
13 positions, but all part of that organization.

14 So comfort me by telling me that  
15 there is a new thinking, there is a new culture  
16 that has beset GM, while all the players are  
17 there in the corporate chart.

18 Tell me how the company has  
19 restructured and reorganized so as to bring  
20 comfort to the consumer.

21 MS. BARRA: First, there are many new  
22 people in the company as well as people who

1 have experience across the company. There is a  
2 new structure.

3 For instance, in Global Product  
4 Development we have streamlined, eliminated  
5 bureaucracy. We took out an entire layer of  
6 management in the product development.

7 We've completely redone the  
8 quality processes over the last -- it started  
9 in the 2011-2012 timeframe.

10 We've changed our test procedure.  
11 We've added additional validations.

12 So there has been a complete  
13 remake of the way we drive quality.

14 We test a failure instead of a  
15 testing to a -- to a -- a standard, that's just  
16 one example, and we've looked across the entire  
17 organization.

18 We've rebuilt our supply --  
19 supplier quality organization adding over --  
20 over a hundred resources just in this country  
21 alone, so we've systematically gone across the  
22 company and we're making changes.

1                   Even in the chronologies which I  
2                   think you held up, those are the most detailed  
3                   chronologies that we have ever provided,  
4                   sharing, again, in a summary fashion with the  
5                   information we have now.

6                   But then we are conducting an  
7                   investigation with Mr. Valukas.

8                   We've also rolled out new values  
9                   with the customer as our compass; relationships  
10                  matter and individual excellence.

11                  We've trained thousands of  
12                  people, and -- but most importantly it's  
13                  leadership at the top.

14                  It's the leadership of how we  
15                  behave, of how we demonstrate when we make  
16                  decisions, and that we make decisions that  
17                  focus on the customer, focus on safety, focus  
18                  on quality.

19                  And I can tell you from my  
20                  leadership team and the next layer, we continue  
21                  to drive that every day.

22                  We recognize culture change

1 doesn't happen in a year or two, but we are  
2 well on that journey and we will -- we're  
3 dedicated to it and we very clearly want to  
4 have the safest vehicles on the road.

5 MR. TONKO: And will you make that  
6 list public from the -- from the report that  
7 you're anticipating?

8 MS. BARRA: I'm sorry?

9 MR. TONKO: Will you make the list  
10 that will be coming forth public? Will you  
11 share that?

12 MS. BARRA: The list of -- I'm sorry.

13 MR. TONKO: The full report coming  
14 from Mr. Valukas.

15 MS. BARRA: Mr. Valukas will give us  
16 findings, and we will make the appropriate  
17 findings available to this body, to our  
18 customers and to our employees.

19 MR. TONKO: The appropriate findings.  
20 What about the full report?

21 MS. BARRA: I'm not con -- I don't  
22 know if he'll give a report or if he'll share



1 findings.

2 MR. TONKO: If he does, will you share  
3 the full report?

4 MS. BARRA: We will share the  
5 appropriate information.

6 MR. TONKO: Not the full report?

7 MS. BARRA: Again, I don't know if  
8 there will be a full report, but we will  
9 share --

10 MR. TONKO: If there will be a full  
11 report, will you share it?

12 MS. BARRA: I commit that we will be  
13 very transparent, and we will share what's  
14 appropriate.

15 MR. TONKO: So, in other words, there  
16 is no commitment to share the full report?

17 MS. BARRA: I'm saying I will share  
18 what is appropriate.

19 MR. TONKO: I hear the answer.

20 Mr. Chair, I yield back.

21 CHAIRMAN MURPHY: The gentleman yields  
22 back.

1 Recognize the gentleman from  
2 Louisiana, Mr. Scalise, for five minutes.

3 MR. SCALISE: Thank you, Mr. Chairman,  
4 appreciate you having this hearing.

5 Ms. Barra, thank you for being  
6 here.

7 And let me first say my prayers  
8 are with all the families of those who lost  
9 their lives and others who have been impacted  
10 by this.

11 I want to thank you all for being  
12 here in this room as well.

13 Obviously the questions we have  
14 are even more pertinent to the families that  
15 are here and that's why it's important that we  
16 ask the questions and we get answers, and if  
17 we're going to work to make sure that we can  
18 prevent something like this from happening  
19 again, we've got to get into the real details  
20 of what -- what went on during those period of  
21 years, unfortunately years, where it seemed  
22 somewhere inside of General Motors there was

1 knowledge that this was a problem before it got  
2 to the level of recall, and want to first take  
3 you, Ms. Barra, to the tab you've got there,  
4 number 38.

5 Tab 38 is the sign-off. This is  
6 a -- it's called a General Motors commodity  
7 validation sign-off. This is the actual sheet  
8 that the engineer signed off on that approved  
9 the design change in the faulty ignition  
10 switch.

11 Have you seen that document  
12 before?

13 MS. BARRA: This is the first time I  
14 have seen this document that's labeled Delphi.

15 MR. SCALISE: Now, what we're talking  
16 about here, I mean, how long have you been  
17 aware of -- of the problem with these faulty  
18 ignition switches?

19 MS. BARRA: I was aware that there was  
20 a faulty ignition switch on January 31st.

21 MR. SCALISE: Of this year?

22 MS. BARRA: Of this year.

1 MR. SCALISE: Okay. So as you're --  
2 as you're going through I'm sure some of the  
3 questions you have and are asking and maybe  
4 some of the questions we're having, the first  
5 question you would want to ask is what did we  
6 know about it, when did we know, did we know  
7 well in advance, and why didn't we prevent it  
8 from happening.

9 The first thing we all are  
10 talking about is when was this found out within  
11 GM to the point where they actually made a  
12 change.

13 I mean, y'all made a design  
14 change. The letter I've got here, this form,  
15 is dated April 25th of 2006.

16 So 2006 is when your engineers --  
17 and there's a name on this. There is an actual  
18 engineer who you just said under oath earlier  
19 is still employed with GM.

20 There is an engineer that  
21 actually signed this document requesting -- not  
22 requesting, approving a change in this ignition

1 switch, in fact, with the part number. The  
2 part number is on here.

3 Has anyone -- In your knowledge,  
4 has anyone at GM taken -- he is an employee of  
5 yours, you can just pull him aside right now  
6 and ask him:

7 When you signed off on this in  
8 2006, number 1, why didn't you change the part  
9 number.

10 And, number 2, why did you  
11 approve a change in the ignition switch and not  
12 bring it to the level of recall, in 2006?

13 Clearly people lost their lives  
14 after, after this was signed off on, so do you  
15 know right now -- you are under oath.

16 Do you know of anyone that has  
17 asked the person that signed this, that signed  
18 off on this, have any of y'all asked him those  
19 basic questions?

20 MS. BARRA: I know this is part of the  
21 Anton Valukas' investigation, and I want to  
22 know the answers to the questions you're

1 asking.

2 MR. SCALISE: So do you know -- do you  
3 know of anyone that's asked him that question?  
4 I mean, he is an employee of yours right now.

5 MS. BARRA: Right.

6 MR. SCALISE: You can pull him  
7 aside --

8 MS. BARRA: We --

9 MR. SCALISE: -- right when you leave  
10 here today and ask him these questions.

11 MS. BARRA: But I think it's very  
12 important as we do an independent investigation  
13 that we let Mr. Valukas go do a thorough  
14 investigation, talk to people, that there's not  
15 a lot of side investigations going on.

16 He is the one standard that we're  
17 going to use in this investigation.

18 MR. SCALISE: Clearly --

19 MS. BARRA: He brings the objectivity  
20 to it.

21 MR. SCALISE: Clearly -- I mean, you  
22 talk about a new culture. Has anyone been held

1 accountable as of now for what's happened?

2 MS. BARRA: Again, we are just --  
3 this -- we learned of this on the --  
4 January 31st --

5 MR. SCALISE: Again, you have  
6 documents -- I have a design change in 2006  
7 related to what we're talking about. This is  
8 not a 2014 issue.

9 The recall was issued in 2014 but  
10 the product, the product, the faulty ignition  
11 switch we're talking about, was redesigned in  
12 2006 by one of your engineers who is still an  
13 employee of General Motors.

14 If you can't get me that  
15 information -- and if you do find that  
16 information out, by the way, would you get that  
17 to the committee?

18 MS. BARRA: It will be part of the  
19 investigation we are sharing.

20 MR. SCALISE: The other question I  
21 want to ask you, because later on we're going  
22 to have the acting administrator of the

1 National Highway Traffic Safety Administration.  
2 Some of the things he says in his testimony  
3 before you leave I'd like to get at least some  
4 responses.

5 He says, number one, we are  
6 pursuing an investigation whether GM met its  
7 timeliness responsibilities to report and  
8 address this defect under federal law.

9 Are you aware of whether or not  
10 GM has met its obligations of timeliness?

11 MS. BARRA: That will -- that will be  
12 part of the investigation that we're doing to  
13 answer --

14 MR. SCALISE: So you're not aware at  
15 this time, though? I mean, if you are aware of  
16 something that would be a violation of federal  
17 law, if you're aware of that already, can you  
18 share that with us?

19 MS. BARRA: I am aware of the findings  
20 that I have already shared from Mr. Valukas  
21 today.

22 MR. SCALISE: Okay. Another question



1 he asked, in the brief time I have left, he  
2 says GM had critical information that would  
3 have helped identify this defect. That's the  
4 gentleman that's testifying right after you.

5 You don't have the opportunity to  
6 come behind him and respond; he's going to be  
7 saying this. He's writing this in his  
8 testimony.

9 What would you say in response to  
10 his statement that GM had critical information  
11 that would have helped identify this defect?

12 MS. BARRA: As I've already said, we  
13 have already learned through Mr. Valukas'  
14 investigation that there were points in time  
15 where one part of the organization had  
16 information that wasn't shared across to the  
17 other side of the organization. You can call  
18 it a silo.

19 At some point they didn't  
20 understand that the information would be  
21 valuable to another party, so I've already  
22 shared that we have found that to be true and

1 we've already made changes to the structure and  
2 to the responsibilities of people so that won't  
3 happen again.

4 MR. SCALISE: We appreciate getting  
5 the full range of answers to all these  
6 questions, and with that I yield back the  
7 balance of my time.

8 Thank you, Mr. Chairman.

9 CHAIRMAN MURPHY: Now recognize  
10 Mr. Green for five minutes of Texas. Thank  
11 you.

12 MR. GREEN: Thank you, Mr. Chairman.  
13 And Ms. Barra, first of all, congratulations on  
14 being the CEO of General Motors.

15 Like a lot of my constituents,  
16 I've been a customer of GM; in fact, I can't  
17 list the number of vehicles I think I've owned.  
18 Although my wife drives a Tahoe, I lease a  
19 Malibu, I have a Blazer, and -- you know, so --  
20 and we keep them for a long time, and so I  
21 appreciate GM products.

22 And you heard the questioning

1 today from -- and it seems like on a bipartisan  
2 basis we're trying to find out what's  
3 happening, although, Mr. Chairman, I know you  
4 heard it, I was surprised because Dr. Gingrey  
5 is a good friend of mine and a physician, and  
6 to say he thanked the plaintiff's lawyer for  
7 something, you at least have got Republicans  
8 and Democrats on the same side of something,  
9 but -- Phil's not here now, but -- but there is  
10 a reason we have a civil bar.

11 You've gone down the litany with  
12 the other questions of the problems that were  
13 happening.

14 I see in 2002 the switch was --  
15 was acknowledged it was below specs; in 2005  
16 the dealers were notified of a problem, but it  
17 was because of heavier key rings, and I thought  
18 about my wife's key ring that she uses, it like  
19 has everything in the world on that key ring,  
20 so I couldn't imagine that would be an issue.

21 But I guess getting down to the  
22 concern I have, and in 2007, you modified the

1 switch ignitions for future models, though the  
2 switch ignition still fell below the initial  
3 torque standards by GM.

4 Let me give you an example of  
5 what this has caused.

6 I have a constituent who I talked  
7 to yesterday before I left Houston whose  
8 mother, Lois, owns a 2003 Regal which is ten  
9 years old, and she's owned I guess GM products  
10 like I have for years, but the Regal began  
11 stalling and turning off in February of '13 and  
12 the car had less than 50,000 miles.

13 She owned -- Since she's owned  
14 the car it's gone to the GM dealer six times,  
15 the battery's been replaced, and each time the  
16 dealer did not fix the problem.

17 She ended up finding -- and I'll  
18 quote Ms. Knudson, who told it to me -- she  
19 finally found a trade -- a shade tree mechanic  
20 who actually fixed it.

21 And I guess what bothers me, if  
22 you go back to the dealer this many times --

1 and I hold the dealers, you know, repair shops  
2 to a higher level, simply because they know the  
3 product, that what has happened, can you  
4 confidently say that these stalling issues are  
5 limited only to the Cobalt, the HHR, the  
6 Pontiac G5, the Ion, Solstice and Saturn Ion  
7 and the Sky models of vehicles, or is it other  
8 ones like the Regal, or maybe like the Malibu I  
9 drive?

10 MS. BARRA: Again, I -- I'm not aware  
11 of any other stalling issues. If we have an  
12 issue, we put it into our -- our recall process  
13 and make decisions, so if there is a defect  
14 that you are aware of, I would appreciate the  
15 information and I will definitely look into it.

16 MR. GREEN: Well, we'll get you that  
17 information from the -- I have a couple minutes  
18 left, but I represent a very industrial area.

19 We have refineries and chemical  
20 plants. What we do is inherently dangerous and  
21 so you have to take extra concern about it, and  
22 it looks like in the last ten years GM has

1 not -- somewhere along that line the culture of  
2 the company is not there to deal with that, and  
3 as the new CEO, I would hope you would make  
4 sure it happens.

5 And I have said this many times,  
6 when I have a chemical company or a refinery  
7 and have an accident chemical plant or refinery  
8 that has an accident and somebody dies and  
9 we've been able to pinpoint, sometimes with  
10 civil justice, but sometimes through chemical  
11 safety board, on what the decision was made  
12 that they didn't do that caused people to die.

13 That's what happened here, and  
14 General Motors is a much greater company than  
15 to do that, and I would hope the culture of  
16 your corporation would be better so it would  
17 continue to earn the respect that both this  
18 lady and I have, and -- but that's your job now  
19 as CEO, but you need to fix it --

20 MS. BARRA: I agree.

21 MR. GREEN: -- and fix it as quick as  
22 you can because it's going to cause problems

1 obviously.

2 MS. BARRA: I agree with you, it's  
3 completely my responsibility and we will work  
4 day and night.

5 We've already made tremendous  
6 change at General Motors, and I recognize it's  
7 my responsibility.

8 MR. GREEN: The last thing in my  
9 30 seconds is should that -- my constituent,  
10 should she have her mother in Phoenix take that  
11 Regal back and have it checked by a dealer  
12 now --

13 MS. BARRA: Yes.

14 MR. GREEN: -- to see what happened?

15 MS. BARRA: And I wish you would send  
16 a note to me, and I will --

17 MR. GREEN: I'll get you that  
18 information. We'll check.

19 MS. BARRA: Thank you.

20 MR. GREEN: Thank you, Mr. Chairman.

21 CHAIRMAN MURPHY: Chair will now  
22 recognize Mr. Griffith for five minutes.

1 MR. GRIFFITH: Thank you,  
2 Mr. Chairman.

3 Ms. Barra, you have indicated  
4 that the -- not having a new part number when  
5 the part was changed in 2006 is not acceptable.

6 MS. BARRA: Correct.

7 MR. GRIFFITH: Is that correct?

8 MS. BARRA: That's correct.

9 MR. GRIFFITH: And I guess it's hard  
10 to figure that somebody would have just done  
11 that by accident and that there had to be a  
12 reason because that was a breach of protocol,  
13 wasn't it?

14 MS. BARRA: I don't think there is an  
15 acceptable reason to do that.

16 MR. GRIFFITH: Okay. And while there  
17 may not be an acceptable reason, but you would  
18 have to acknowledge that a reason in somebody's  
19 mind, while not acceptable, might mean that it  
20 is actually harder to track the problem with an  
21 old part when you have an improved new part  
22 that's put in its place, isn't that correct?



1 Yes or no.

2 MS. BARRA: Yes.

3 MR. GRIFFITH: Yes. And while you  
4 have indicated that you did not know the  
5 individual name of the person who made that  
6 decision, do you know whose job title it was or  
7 in whose chain of command it was to make the  
8 decision not to create a new part number for  
9 that part?

10 MS. BARRA: I don't -- it would be  
11 within the engineering organization, but I will  
12 learn that from the investigation, and we will  
13 take appropriate action.

14 MR. GRIFFITH: And would that  
15 engineering department have been under your  
16 chain of command at some point in your tenure  
17 with GM?

18 MS. BARRA: Since 20 -- February  
19 of 2011.

20 MR. GRIFFITH: But it never got to  
21 you?

22 MS. BARRA: No.

1 MR. GRIFFITH: Nobody ever brought  
2 this to your attention?

3 MS. BARRA: No, it did not.

4 MR. GRIFFITH: All right. I  
5 appreciate that. I do have this question, and  
6 I think that the answer probably is is that  
7 your investigation will reveal this, but it is  
8 somewhat concerning that while the trial lawyer  
9 that uncovered this may be very savvy and his  
10 expert might be pretty sharp, you all have  
11 sharp people working at GM as well, do you not?

12 MS. BARRA: I believe we do.

13 MR. GRIFFITH: And it's one of those  
14 questions that I'm sure your investigation will  
15 uncover, but why not -- why didn't your team of  
16 engineers connect the dots and figure out that  
17 when the -- when the ignition slips into that  
18 auxiliary position, the airbags won't function  
19 properly?

20 MS. BARRA: Congressman, those are the  
21 questions I want to answer.

22 And, as I've said, it's taken way

1 too long, and we will learn from this and we  
2 will make changes, and we will hold people  
3 accountable.

4 MR. GRIFFITH: And not only holding  
5 people accountable; you were asked earlier and  
6 I know that you're in a tough spot on that as  
7 to what kind of liability GM will end up  
8 accepting because there is legal liability and  
9 moral liability and you've said that.

10 One of the questions that I would  
11 have would have been a whole lot easier just to  
12 have actually listed these liabilities in the  
13 bankruptcy, would it -- wouldn't it -- would it  
14 not?

15 It would have been easier to do  
16 it in the bankruptcy instead of having it come  
17 out now, wouldn't it?

18 MS. BARRA: The best thing in the  
19 world would be as soon as we find a problem, we  
20 fix it, and it doesn't exist in the marketplace  
21 and doesn't affect our customers and doesn't  
22 create tragedies.

1 MR. GRIFFITH: And here's -- here's  
2 one of the things that concerns me, have you  
3 been -- have you been given any estimates yet  
4 by Mr. Feinberg or others as to what a best  
5 case, worst case scenario is on your civil  
6 liabilities?

7 MS. BARRA: We have just been in  
8 initial conversations with Mr. Feinberg. I  
9 believe we will work through him to evaluate  
10 the situation over the next 30 to 60 days.

11 MR. GRIFFITH: Has anybody else given  
12 you a best case or worst case scenario over  
13 liability issues related to this problem?

14 MS. BARRA: There's been a lot of --  
15 of estimates done in the public, but none given  
16 specifically to me.

17 MR. GRIFFITH: Okay. Would those  
18 liability issues have negatively impacted the  
19 prospects of either a bail-out by the federal  
20 government or prior to the bail-out the people  
21 who were lending you money to keep GM afloat  
22 with its heavy liabilities already existing,

1 would not the additional liabilities that would  
2 have come forward by this problem have had the  
3 potential to dissuade private investors or the  
4 federal government to giving cash to GM?

5 MS. BARRA: As I look at it, as soon  
6 as we identify an issue and fix it, then there  
7 aren't liabilities or the liabilities are  
8 contained, and that's what -- as we look at  
9 problems, as we go forward, we want to fix them  
10 as soon as we can, and if there is a safety  
11 issue, we're going to make the change, make the  
12 right investment and accept that.

13 MR. GRIFFITH: But in the real world  
14 of business if there's a new set of liabilities  
15 that come onto the page that weren't there  
16 before, it's harder to get money from both  
17 public and private sources, isn't that true?

18 MS. BARRA: I think it depends -- it  
19 depends on the situation, so as a general  
20 question, I -- I don't feel appropriate  
21 commenting.

22 MR. GRIFFITH: All right. I

1 appreciate that.

2 Let me ask this last question:

3 When this issue was first -- when this issue  
4 first came up, the corresponding problem  
5 resolution tracking system report document  
6 identified the issue as severity 3.

7 What does that mean?

8 MS. BARRA: I'm sorry, I --

9 MR. GRIFFITH: It said severity 3.  
10 I'm referencing back to some of the documents  
11 that you have given or that your folks have  
12 given, and the initial assessment in 2004,  
13 2005, when your problem resolution tracking  
14 system report came out, it related this problem  
15 as being severity 3.

16 What does that mean?

17 MS. BARRA: I don't have a specific  
18 definition for that. I --

19 MR. GRIFFITH: Can you get one for us?

20 MS. BARRA: I can.

21 MR. GRIFFITH: I appreciate that, and  
22 I yield back.

1 CHAIRMAN MURPHY: Can I ask a  
2 clarifying question for what Mr. Griffith was  
3 saying?

4 Did GM purposely and willfully  
5 negotiate during the bankruptcy issues, or in  
6 the process of obtaining the loans, did they  
7 purposely withhold any information that they  
8 may have known about pending lawsuits or things  
9 that would be emerging in the future about the  
10 Cobalt or other cars?

11 MS. BARRA: I am not aware -- I  
12 personally did not withhold any information.

13 I am not aware, but I -- I can't  
14 speak to every single person.

15 CHAIRMAN MURPHY: Thank you.

16 Mr. Welch, you are recognized for  
17 five minutes.

18 MR. WELCH: Thank you. I have to  
19 congratulate General Motors for doing the  
20 impossible. You've got Republicans and  
21 Democrats working together, and I thank my  
22 colleagues for their focus on this hearing.

1                   A couple of things. How many  
2 cars have been recalled as of this date?

3                   MS. BARRA: Related to the ignition  
4 switch?

5                   MR. WELCH: Right.

6                   MS. BARRA: Over 2.5 million.

7                   MR. WELCH: Now, this ignition switch  
8 issue was -- first came to light in 2006; is  
9 that correct?

10                  MS. BARRA: Through our investigation  
11 we'll know when it came to light. It came to  
12 light to me on January 31st, 2014.

13                  MR. WELCH: I mean, that's totally  
14 irrelevant to the people who lost their lives.

15                  MS. BARRA: I understand.

16                  MR. WELCH: I mean, you are the  
17 current CEO, but that's not relevant to the  
18 question I just asked.

19                  MS. BARRA: I'm sorry, I thought you  
20 asked when I became aware of it.

21                  MR. WELCH: No, no. GM.

22                  MS. BARRA: Again, that's what we'll



1 learn in our investigation.

2 MR. WELCH: Well, you changed the  
3 switch after 2006, you began in 2007 changing  
4 the switch, right?

5 MS. BARRA: Yes, there were changes  
6 made.

7 MR. WELCH: So would it be a logical  
8 inference that somebody thought there was a  
9 reason to change the switch that had been in  
10 use in 2006 to 2007?

11 MS. BARRA: As we do our internal  
12 investigation, I hope to get those answers.

13 MR. WELCH: Well, wouldn't that be a  
14 starting point? Somebody for some reason  
15 started to change a very critical part in the  
16 car between 2006, 2007, correct?

17 MS. BARRA: Correct.

18 MR. WELCH: So let me ask you this:  
19 If you had recalled cars and acted on this  
20 aggressively in 2006 when you were making the  
21 decision that you had to change the --

22 You, GM; not you. Okay?

1 MS. BARRA: I'm sorry.

2 MR. WELCH: GM changed the switch, how  
3 many cars would you have had to recall had you  
4 acted in 2007 when you made the decision to  
5 change the switch?

6 MS. BARRA: I can get you the exact  
7 number, but it would have been significantly  
8 less. I don't -- I don't --

9 MR. WELCH: You may estimate. You can  
10 talk to your back row there, if you want.

11 MS. BARRA: I would -- again, I will  
12 confirm with an answer, but I would assume it  
13 is something around more 1.2 million.

14 MR. WELCH: Just from 2000 -- so you  
15 would have cut it down at least in half and  
16 maybe more?

17 MS. BARRA: Because again we're  
18 starting with vehicles that -- the Saturn Ion  
19 was in production in '03.

20 MR. WELCH: Let me just get a  
21 business-type question here.

22 What do you estimate would have

1       been the cost to GM of this recall had they  
2       done it in 2007?

3               MS. BARRA: When we looked at the  
4       population from '03 to '07 -- actually, if I  
5       look at all the vehicles that had this, it  
6       would have been a higher number. I believe it  
7       was 1.8 and that would have probably -- the  
8       estimated cost for those two pieces is  
9       something less than a hundred million.

10              MR. WELCH: Okay. And what do you  
11       estimate will be the cost of the recall now  
12       that it is being done eight years later?

13              MS. BARRA: Well, there is a -- there  
14       is a larger population. We can provide the  
15       information. I --

16              MR. WELCH: Well, I want an estimate.  
17       I want people to be able to hear this.  
18       Decision delayed is money and lives at risk, so  
19       I'm trying to get an opinion from you, and it's  
20       ballpark, so it can be adjusted, as to what the  
21       cost would have been had you acted eight years  
22       ago versus acting now. You, GM.

1 MS. BARRA: Well, if we would have  
2 acted at that point, we would have had a  
3 smaller population, as we have talked about.

4 MR. WELCH: Look, I know that. That's  
5 obvious, okay?

6 MS. BARRA: I'm sorry, I'm not trying  
7 to be difficult.

8 MR. WELCH: I'm asking about the cost.

9 MS. BARRA: I don't understand your  
10 question.

11 MR. WELCH: You know what, if I were  
12 on the board of directors and I had an  
13 obligation to shareholders, and I had a company  
14 that could have acted eight years ago to deal  
15 with a problem, but by not acting let that  
16 problem increase in magnitude, do more damage  
17 to shareholders, do more damage to the bottom  
18 line, do enormous damage to the reputation of  
19 this company, and cause we don't know how much  
20 harm, to citizens, I'd want an answer to the  
21 question.

22 MS. BARRA: I agree, and it would

1 have -- it would have been substantially less  
2 at that timeframe had we done it than what it  
3 will be now.

4 MR. WELCH: GM was involved in  
5 litigation concerning allegations that this  
6 switch was defective and caused problems,  
7 correct?

8 MS. BARRA: Yes.

9 MR. WELCH: And GM settled some of  
10 these litigation matters, correct?

11 MS. BARRA: Correct.

12 MR. WELCH: After very aggressive  
13 defense.

14 Those settlements were secret?

15 MS. BARRA: They are confidential by  
16 both parties.

17 MR. WELCH: By "both parties" --  
18 I'm -- you know, some of us have been in court,  
19 by both parties usually means at the request of  
20 the party that's paying the damages.

21 MS. BARRA: I wasn't involved in those  
22 settlements, all I know is confidential, it was

1 by both parties.

2 MR. WELCH: Okay. This is not good.  
3 You are the company right now, all right?

4 MS. BARRA: All right.

5 MR. WELCH: Let me ask this question:  
6 Do you believe that when a company that has  
7 been sued about a matter involving product  
8 safety where a person has been seriously  
9 injured or has died that the company that  
10 settles as a matter of policy should be  
11 entitled to keep secret what that settlement  
12 was about?

13 MS. BARRA: I am not -- I think that  
14 there are issues associated with that, that  
15 every settlement is -- is unique and it's a  
16 decision that is agreed to by both parties, and  
17 I'm -- - I don't have any comment --

18 MR. WELCH: Do you -- Let me ask a  
19 question.

20 MS. BARRA: -- what is unique.

21 MR. WELCH: If a company, GM or any  
22 other company, settles litigation and pays a

1 substantial amount of money pertaining to an  
2 allegation about serious bodily injury or  
3 death, should that company be permitted to keep  
4 secret that settlement from the governmental  
5 agency whose responsibility it is to protect  
6 the public safety?

7 MS. BARRA: If that is information  
8 required by that government agency, then we  
9 would provide it.

10 If the two parties involved in  
11 the settlement agreed to it, that's their  
12 agreement.

13 MR. WELCH: So if you don't have to do  
14 it, you won't do it?

15 MS. BARRA: If both parties want  
16 that -- I am making the assumption that both  
17 parties agreed to it, which is what I have been  
18 told.

19 MR. WELCH: I yield back. Thank you.

20 CHAIRMAN MURPHY: Gentleman's time has  
21 expired. Now recognize the gentleman from  
22 Missouri for five minutes, Mr. Long.

1 MR. LONG: Thank you, Mr. Chairman,  
2 and thank you for being here, Ms. Barra.

3 And I want to thank the families  
4 that are here today for keeping safety in the  
5 forefront of America's and Congress'  
6 consciousness when it comes to automobile  
7 safety, and we've heard about the same  
8 subcommittee in the past dealing with this  
9 issue before I came to Congress, the Ford  
10 Explorer, Firestone tire situation, we've heard  
11 about the Toyota accelerating car issue, and,  
12 like I say, I wasn't here, but I can imagine  
13 that the questions were similar, who knew what  
14 when, who was responsible, did you know this  
15 person, have you done anything about it.

16 I want to take a little different  
17 tact with my line of questioning, as I normally  
18 do, and that is that people ask me all the  
19 time, do you think you make a difference, when  
20 you go to Congress, you're up there a few  
21 years, do you think you're making a difference,  
22 and that's hard to quantify, to think to



1 somebody are you making a difference or not.

2 But today, and this is the day I  
3 want to look back on and say, you know what? I  
4 think I made a difference.

5 I think that we got some answers  
6 to questions in the future to prevent -- I  
7 don't want to be here again, and I don't want  
8 to have them say Ford Explorer, Firestone tire,  
9 Toyota accelerating, and do you remember the GM  
10 faulty ignition switch, so that's what I would  
11 like to say, yeah, we made a difference.

12 And with that, like I say, I  
13 thank the families for being here and keeping  
14 it in the forefront of safety so there is not  
15 other people sitting in those same seats next  
16 time we approach an issue like that, because  
17 hopefully there won't be a next time, and the  
18 finger pointing -- with the old analogy, when  
19 you're pointing your finger, you've got three  
20 fingers pointing at yourself, there's going to  
21 be a lot of finger pointing in this, but what I  
22 would really like to drill down on and get

1 answers to is how the NHTSA or whatever they're  
2 called, the National Trans -- National Highway  
3 Transportation -- or excuse me, National  
4 Highway Traffic Safety Administration, and you  
5 all, as an automobile manufacturer, if you can  
6 work to see that this doesn't happen again so  
7 that the two organizations can work together  
8 and drill down on these problems when we first  
9 learn them, whatever the next problem may be,  
10 that would be my goal for here today.

11 And in answer to one of Chairman  
12 Upton's -- the chairman of the full committee's  
13 question a while ago, and I don't even know  
14 what he was asking about exactly, but you said,  
15 I was not part of that organization at the  
16 time.

17 I don't have -- I'm sure that was  
18 something within General Motors because you  
19 like I have a history that goes back I think to  
20 you were -- when you were 18 years old with  
21 General Motors, so you were there at the time  
22 as far as the overall organization, but not

1 whatever part he asked, your father worked I  
2 believe for 39 years for Pontiac, so you indeed  
3 go way back.

4 I go back to 18 years old with  
5 General Motors, too. When I was 18 my folks  
6 bought me a 1973 GM Jimmy. It's -- if you  
7 think of a big Suburban today, cut off two  
8 doors, and that was a Jimmy, or a Blazer.  
9 Chevrolet called theirs the Blazer.

10 I was in the real estate auction  
11 business for years, from '73 to about '05, I  
12 drove nothing but General Motors Suburbans.

13 I remember times when the key  
14 would be in there and you -- and you'd go to  
15 put your key in and it wouldn't work. Why  
16 wouldn't it work? Because I had a big  
17 keychain, big key ring, and it would vibrate,  
18 and it would tear the teeth off the keys to  
19 where the key no longer functioned, but never  
20 once did I have that shut off, never once did I  
21 have that fail to act or shut off in the middle  
22 of driving.

1                   So to me, from '73 to '05 with my  
2                   experience they made pretty good ignition  
3                   switches.

4                   Can you tell me how many models  
5                   GM makes today?

6                   MS. BARRA: Oh, around the globe,  
7                   very -- over a hundred.

8                   MR. LONG: Hundred different models?  
9                   Can you tell me how many ignition switches they  
10                  made?

11                  MS. BARRA: Well, we sell, you know,  
12                  over eight million vehicles --

13                  MR. LONG: No, I mean how many per --  
14                  If you have a hundred different models, how  
15                  many different ignition switches would there  
16                  be?

17                  MS. BARRA: I can't answer that  
18                  question, I don't know.

19                  MR. LONG: Well, to me, GM has proven  
20                  in the past, and other companies have, that you  
21                  can build -- I just don't understand this  
22                  reinventing the wheel, that every car has to

1 have a different ignition switch with a  
2 different set of circumstances made by somebody  
3 down in Mexico to make sure that it meets the  
4 qualifications.

5 So I'd recommend two things, that  
6 you work hard with us, our next witness from  
7 the National Highway Traffic Safety  
8 Administration, says that a car, when it shuts  
9 off, that the airbag will still deploy for  
10 60 seconds.

11 I can't imagine being in a crash  
12 that a car shut off and you continued for more  
13 than 60 seconds, so that's a question that I'm  
14 going to have for him, but I would ask that you  
15 reach out and work not only with your engineers  
16 saying hey, we've got some pretty good -- why  
17 do we reinvent the wheel every time we go to  
18 invent a new ignition switch for all these  
19 different models.

20 And I also hope that you will  
21 reach out and work with the National Highway  
22 Traffic Safety Administration. So...

1 MS. BARRA: I would welcome the  
2 opportunity to have our technical experts look  
3 at how we can improve the way the system works,  
4 because airbag deployment is part of the  
5 system, and I would welcome the opportunity, if  
6 there are improvements that can be made, we  
7 would want to be in the forefront of making  
8 them.

9 MR. LONG: And the communication  
10 with NHTSA?

11 MS. BARRA: And work closely with  
12 NHTSA.

13 MR. LONG: Thank you, ma'am. I  
14 appreciate it again. I thank the families.

15 Mr. Chairman, I yield back.

16 CHAIRMAN MURPHY: Now recognize  
17 Mr. Yarmuth for five minutes.

18 MR. YARMUTH: Thank you, Mr. Chairman.

19 I at the outset want to express  
20 my condolences to the family -- the victims of  
21 this tragedy, and I know it must be frustrating  
22 to you to listen to this testimony, and you are

1 looking for answers and so are we and so is GM  
2 right now, and I hope we do get answers because  
3 I was frustrated by the same questions that my  
4 colleague had just mentioned.

5 I've been driving a long time and  
6 this is a pretty well established technology,  
7 sticking a key into an ignition -- ignition and  
8 turning it.

9 Are you aware of any other  
10 ignition problems that have been -- that have  
11 been discovered or -- GM or any other vehicle  
12 over the history of key ignition systems?

13 MS. BARRA: I have not reviewed every  
14 incident we've ever had, but I -- you know, we  
15 do -- as we find issues, we document them and  
16 take them through our process.

17 In this particular case it took  
18 way too long.

19 MR. YARMUTH: And there is a new  
20 technology, I've been driving a car for four  
21 and a half years -- I confess, it's a Ford  
22 product, not a GM product -- that has a push

1 button ignition.

2 I was in a GM car last week --  
3 very nice one, by the way -- that has a push  
4 button ignition system.

5 How do you make a judgment as to  
6 whether a car has a push button car ignition  
7 system or a key ignition system, and what are  
8 the differences, first of all, in terms of  
9 safety?

10 We know that this one -- this  
11 particular situation wouldn't occur with a push  
12 button ignition system, but how do you make  
13 that decision as to what goes into which car?

14 MS. BARRA: We evaluate, and actually  
15 the push button start is something that we are  
16 evaluating at putting across the portfolio.

17 As you look at the specifics of a  
18 push button start versus a traditional  
19 ignition, I'd like our experts to provide that  
20 information because, again, the ignition switch  
21 and how -- it is a component that operates as  
22 part of a system of the vehicle especially as



1 it relates to a safety perspective, and I think  
2 we'd be better served to have our experts cover  
3 that.

4 MR. YARMUTH: But you are doing an  
5 analysis of whether a push button ignition  
6 system is safer than a key ignition system?

7 MS. BARRA: I -- we -- we can  
8 definitely do that. I think, you know, there's  
9 been work done that both can be designed to be  
10 safe, but we are looking because of the  
11 customer -- you know, it's a function -- it's a  
12 delighter usually when the vehicle has a push  
13 button start.

14 We have them on some of our  
15 vehicles, we continue to roll those out across  
16 our entire portfolio, and we are looking at  
17 doing it across the board.

18 MR. YARMUTH: Yeah, I mean, I have no  
19 idea if there is a difference in safety, there  
20 may be none, but it would be worth doing that  
21 analysis.

22 My -- one of my staff members has

1 a 2005 Malibu that was recalled because of a  
2 power steering issue, and she called the  
3 dealership and the dealership said that they  
4 didn't know how to fix it.

5 So my question to you is, are you  
6 confident that GM knows how to fix the vehicles  
7 it recalls for the variety of problems of --

8 MS. BARRA: Well, first of all, if we  
9 find a situation that's not safe and we don't  
10 know how to fix it we're still going to recall  
11 the vehicles and we will take those actions.

12 In this case there may be a  
13 communication lag because there is a fix,  
14 whether it's a check or a replacement of the  
15 product, so that does exist for that specific  
16 vehicle.

17 MR. YARMUTH: So she is getting bad  
18 information from her dealership or they haven't  
19 been told yet?

20 MS. BARRA: I would assume. I can  
21 follow up, if you would like.

22 MR. YARMUTH: I think the public would

1 want to know.

2 MS. BARRA: Right.

3 MR. YARMUTH: Because you now have.

4 MS. BARRA: Because --

5 MR. YARMUTH: There are millions of  
6 vehicles out there under the recall, and she  
7 was told to go ahead and drive the vehicle if  
8 she felt safe, and I'm not sure whether every  
9 driver would know whether they should feel safe  
10 or not.

11 I mean, some people if the power  
12 steering goes out are strong people, and maybe  
13 it's happened to them before and they know it's  
14 going to take a little bit more effort to  
15 steer, other people might not, so, you know, I  
16 don't even know how the average consumer is  
17 supposed to know whether they feel safe or not  
18 after a vehicle has been recalled.

19 Doesn't the company have some  
20 disclosure responsibility to say these  
21 things -- at least these things could happen,  
22 there could --

1 MS. BARRA: Yeah, and we have done  
2 that. That is part of a letter that we send to  
3 the customer when they -- we notify them of  
4 this issue and then we provide information to  
5 the dealers as well.

6 MR. YARMUTH: Okay. One final  
7 question. We talked about it, when we're going  
8 to have the NHTSA representative here earlier.

9 One of the things that you are  
10 not required to do is to provide warranty data  
11 proactively to the National Highway Traffic  
12 Safety Administration.

13 Do you think that's something  
14 that ought to be considered that --

15 MS. BARRA: I would --

16 MR. YARMUTH: -- it might be helpful,  
17 in this case maybe dots could have been  
18 connected sooner if all that data would have  
19 been --

20 MS. BARRA: I welcome the opportunity  
21 to look at what information that NHTSA would  
22 feel is of value to submit.

1 MR. YARMUTH: Thank you. I yield  
2 back.

3 CHAIRMAN MURPHY: The gentleman yields  
4 back.

5 Now recognize Mr. Harper for five  
6 minutes.

7 MR. HARPER: Thank you, Mr. Chairman.

8 And to the family members that  
9 are here, our hearts indeed go out to you and  
10 we will continue to get to the bottom of this.

11 And, Ms. Barra, I know this is  
12 not the most enjoyable experience to go through  
13 this, but we are in a situation that, you know,  
14 we -- we don't trust the company right now, and  
15 we have to get to the bottom of this, and so we  
16 want to continue to ask some questions.

17 If I could get you to refer to  
18 Tab 28 in your binder, and I want to direct  
19 your attention to that e-mail that's found at  
20 Tab 28.

21 In September of 2005, a few  
22 months after General Motors decided that there

1 was not an acceptable business case to  
2 implement changes to the ignition switch, an  
3 engineering group manager e-mailed Lori Queen  
4 and other GM personnel including Raymond  
5 DiGiorgio about proposed changes for model year  
6 2008 ignition switch.

7 So this engineering obviously  
8 explains that a more robust ignition switch  
9 will not be implemented in model year 2008  
10 vehicles because it appears the piece cost  
11 could not be offset with warranty savings.

12 In his e-mail he references piece  
13 cost. Is that just the ignition switch?

14 MS. BARRA: Generally when people  
15 refer to piece cost, they refer to the part.

16 MR. HARPER: So he's just referring to  
17 that ignition switch? That's a yes?

18 MS. BARRA: Again, I didn't write that  
19 note, but I'm just telling you generally when  
20 people --

21 MR. HARPER: Okay.

22 MS. BARRA: -- use piece cost, that's

1 what it means.

2 MR. HARPER: As he notes in that  
3 e-mail, an increase of 90 cents; is that  
4 correct?

5 MS. BARRA: I'm sorry?

6 MR. HARPER: It says -- Does the  
7 e-mail say there would be an increase of 90  
8 cents?

9 MS. BARRA: Yes. Yes, I see it.

10 MR. HARPER: And since the warranty  
11 offset was only 10 cents to 15 cents, GM didn't  
12 make the change?

13 MS. BARRA: And that is not something  
14 that I find acceptable. If there is a safety  
15 defect, but there is not a business case, this  
16 analysis is inappropriate.

17 MR. HARPER: And I appreciate that you  
18 don't find that acceptable, but that indeed is  
19 what happened here, correct?

20 MS. BARRA: And that is -- Exactly,  
21 and that's one piece of data. As we go through  
22 the investigation, as we put the pieces

1 together, we will take action because this is  
2 not the type of behavior that we want in our  
3 company today, with our engineers today.

4 MR. HARPER: And understand we're  
5 trying to go back and figure out what happened  
6 and understand that so we can indeed make sure,  
7 as you do, that this never happens to anyone  
8 else again.

9 Now, Lori Queen, what was her  
10 position at the time?

11 MS. BARRA: 2005, I believe she was a  
12 vehicle line executive, but I can go back and  
13 confirm that.

14 MR. HARPER: If you would let us know,  
15 please.

16 How does cost factor into  
17 decisions about safety?

18 MS. BARRA: They don't.

19 MR. HARPER: Has --

20 MS. BARRA: Again, I can only speak to  
21 the way that we are running the company, and if  
22 there is a safety issue, if there is a defect



1 identified, we go fix the -- fix the vehicle,  
2 fix the part, fix the system.

3 It's not acceptable to have a  
4 cost put on a safety issue.

5 MR. HARPER: And that is obviously  
6 your position and your goal and your -- the way  
7 you want it to be now, but that's not the case  
8 of what we're going back and looking at.

9 So you're telling us that General  
10 Motors has changed its position how it handles  
11 cost and safety issues; it hasn't been this way  
12 before, but this is how you want it now, am I  
13 correct?

14 MS. BARRA: I think in the past we  
15 have had more of a cost culture, and we are  
16 going to more of a customer culture that  
17 focuses more on safety and quality.

18 MR. HARPER: When we go back and look  
19 at who first -- who first authorized the use of  
20 an ignition switch that did not meet  
21 specifications --

22 MS. BARRA: And that is something we

1 will learn in our investigation.

2 MR. HARPER: Now, one of the things  
3 that concerns us, of course, is when General  
4 Motors filed bankruptcy in 2009, it wasn't an  
5 overnight problem with -- with money or with  
6 the loss of profits or losing money each year.

7 In 2005 I know General Motors  
8 lost 10.6 billion; jump to 2007, lost 38.7  
9 billion; 2008, lost 30.9 billion; and then  
10 filed for bankruptcy in 2009.

11 The fact that General Motors was  
12 going to -- through many years of financial  
13 issues, did that impact how this was  
14 categorized and was not dealt with at that time  
15 as it should have been?

16 MS. BARRA: I can't answer that  
17 question. I want to know the answer to that  
18 question, and when I do, I will take action.

19 MR. HARPER: All right. You indicated  
20 earlier that a specific traffic death was not  
21 included in the -- the count of fatalities that  
22 may have been associated with this issue.

1 I would like to see other traffic  
2 deaths or serious injuries that were looked at,  
3 but the determination was made that it was not  
4 part of this total.

5 Can you get us that information?

6 MS. BARRA: Through our -- our TREAD  
7 information, yes.

8 MR. HARPER: Will you get that for us?

9 MS. BARRA: Yes.

10 MR. HARPER: Thank you very much.

11 I yield back.

12 CHAIRMAN MURPHY: Gentleman yields  
13 back. Now recognize Ms. Castor for five  
14 minutes.

15 MS. CASTOR: Thank you. Natasha  
16 Weigel, age 18, was killed October 24th, 2006,  
17 while riding in a 2005 Chevy Cobalt. Cheryl  
18 Trotline, age 19, was killed on June 12th,  
19 2009, after losing control of her 2005 Chevy  
20 Cobalt, and Allen Ray Floyd, age 26, was killed  
21 on July 3rd, 2009, after losing control of his  
22 2006 Chevy Cobalt.

1 I understand that Ms. Weigel's  
2 parents and Ms. Trotline's family are in  
3 attendance at the hearing today. Others have  
4 been killed because of GM's defective ignition  
5 switch.

6 The fact is we do not know yet  
7 the full extent of the fatalities, injuries and  
8 accidents, but evidence is growing through this  
9 investigation and that of -- in the press, and  
10 hopefully your own investigation, that the  
11 deaths could have been avoided if GM had  
12 addressed this issue long ago.

13 We know that GM knew about this  
14 problem as far back as 2001.

15 The committee learned last week  
16 that the supplier of the faulty switch, Delphi,  
17 conducted tests that year, 2001, which showed  
18 the switch didn't meet GM's specifications, but  
19 GM used this switch in Cobalts and Ions and  
20 other vehicles anyway.

21 Ms. Barra, the committee sent you  
22 a letter about this issue and documents were

1 received yesterday that showed that these  
2 inadequate switches were approved by GM in May,  
3 2002.

4 I have a document here -- and  
5 it's been placed before you and it's in Tab 54  
6 in the binder as well -- this document shows  
7 that the force required to turn the ignition  
8 switch was too low. That specification is  
9 clearly marked "not okay".

10 Ms. Barra, does this document  
11 show that GM officials were aware that the  
12 ignition switch did not meet company standards  
13 in 2002?

14 MS. BARRA: If this document  
15 was provided to the engineers, again that's  
16 something I will learn in our investigation.

17 MS. CASTOR: Internally GM knew there  
18 were problems. By 2004, they were considering  
19 ways to fix the problem by redesigning the  
20 faulty switch.

21 This document, which is also  
22 placed before you -- this is at Tab 8 in that

1 notebook as well -- from 2004 shows that GM did  
2 reject alternative designs.

3 It mentions one-year lead times  
4 and says, quote, the tooling costs and piece  
5 prices are too -- excuse me, are too high. It  
6 concludes: Thus, none of the solutions  
7 represents an acceptable business case. Other  
8 documents present the piece cost increase per  
9 potential solution as 57 cents per unit.

10 Ms. Barra, do you know who at GM  
11 would have made the decision about whether to  
12 make this change in 2004?

13 MS. BARRA: Well, first of all, I find  
14 that decision unacceptable, as I've stated. If  
15 there is a safety defect, the cost is not the  
16 issue that we look at; we look at what it's  
17 going to take to fix the problem and make the  
18 vehicle safe.

19 As we go through our  
20 investigation we will put all the pieces  
21 together of incidents and -- and actions that  
22 were taken or not taken over a -- more than a

1 decade period and make the appropriate process  
2 changes and --

3 MS. CASTOR: So in retrospect do you  
4 think that a repair cost of 57 cents was too  
5 costly for GM to undertake?

6 MS. BARRA: Again, if we are making a  
7 decision on safety, we don't even look at  
8 costs, we make the change.

9 MS. CASTOR: But there was a major  
10 disconnect between what GM told the public and  
11 what it knew in private.

12 In private GM approved a switch  
13 that it knew was defective and then the company  
14 appeared to reject other changes because the  
15 cost of 57 cents per fix was too high of a  
16 price to pay.

17 Now, also in 2005 the New York  
18 Times ran a review in which the author wrote  
19 about his wife encountering a problem with the  
20 Chevy Cobalt.

21 He, quote, said: She was driving  
22 on a freeway when the car just went dead. The

1     only other thing besides a key on the ring was  
2     a remote control fob provided by GM.

3             The GM spokesman at that time,  
4     Alan Adler, issued a statement saying in rare  
5     cases when a combination of factors is present,  
6     a Chevrolet -- Chevrolet Cobalt driver can cut  
7     power to the engine by inadvertently bumping  
8     the ignition key to the accessory or off  
9     position while the car is running. When this  
10    happens, the Cobalt is still controllable.

11            So I find it baffling that not  
12    only did GM know about this serious problem  
13    over a decade ago, but that it was discussed on  
14    the pages of the New York Times, and when GM  
15    responded publicly, it essentially told drivers  
16    no big deal, engines cut off all the time.

17            When your engine suddenly cuts  
18    off when you are driving on the highway, would  
19    you consider this a safety issue?

20            MS. BARRA: Yes.

21            MS. CASTOR: And you've indicated that  
22    you were not even aware that GM was



1 investigating the Cobalt until December, 2013;  
2 is that correct?

3 MS. BARRA: I was aware that there was  
4 analysis going on related to a Cobalt.

5 MS. CASTOR: But at the time the New  
6 York Times wrote their report in 2005, what was  
7 your position?

8 MS. BARRA: In 2005 I believe I was in  
9 the manufacturing engineering organization of  
10 the company.

11 MS. CASTOR: So you were a high-level  
12 executive at GM responsible for vehicle  
13 manufacturing?

14 MS. BARRA: Vehicle -- the equipment  
15 that we used to make vehicles.

16 MS. CASTOR: And one of the nation's  
17 largest newspapers raised the issue in this  
18 important new vehicle launch for GM and you did  
19 not know about it at the time?

20 MS. BARRA: I -- I don't have a  
21 recollection of that article.

22 MS. CASTOR: Do you recall it being a

1 concern for GM?

2 MS. BARRA: I was not aware that there  
3 was this issue until the recall was introduced  
4 on January 31st.

5 I only knew at the end of  
6 December that there was an issue with the  
7 Cobalt; I did not know it was an ignition  
8 switch issue.

9 MS. CASTOR: Thank you, Mr. Chairman.

10 CHAIRMAN MURPHY: Thank you. That  
11 concludes our members, but I would like to see  
12 if Mr. Terry, of Nebraska, who is the  
13 subcommittee chairman of Commerce,  
14 Manufacturing and Trade, have an opportunity  
15 for five minutes.

16 Is there any objection?

17 (No response.)

18 MR. TERRY: Thank you.

19 CHAIRMAN MURPHY: Without objection,  
20 you may proceed, Mr. Terry.

21 MR. TERRY: Thank you. I appreciate  
22 this, and I'm sorry for being late, but my

1 plane was cancelled, for mechanical reasons  
2 probably, ignition switch.

3 So getting back to NHTSA -- and I  
4 chair the subcommittee over jurisdiction with  
5 NHTSA and the TREAD Act, and the TREAD Act  
6 clearly requires manufacturers to inform NHTSA  
7 within five days of any, quote, non-compliance  
8 or defects that complete an unreasonable risk  
9 of safety.

10 Did GM at any time contact or  
11 notice NHTSA of any non-compliance or defects  
12 regarding the ignition switch?

13 MS. BARRA: That is something I hope  
14 to learn as we go through our investigation.

15 MR. TERRY: Okay. What is the  
16 difference between non-compliance and a defect?

17 MS. BARRA: That's a very broad  
18 question.

19 MR. TERRY: No, it's a very specific  
20 question.

21 MS. BARRA: I think it depends on the  
22 specific situation that you are talking about.

1 MR. TERRY: Regarding an ignition  
2 switch.

3 MS. BARRA: So your question is what  
4 is a non- -- a non-compliance --

5 MR. TERRY: Yes, non-compliant  
6 ignition switch.

7 MS. BARRA: My understanding of when  
8 there is a non-compliance, it's a very specific  
9 term used by NHTSA to standards, but I can get  
10 you the specific definition of that, versus  
11 when we feel we have found a defect with one of  
12 our parts. That's my issue.

13 MR. TERRY: And that's why it's "or",  
14 so when it -- when an ignition switch is  
15 substandard, it's non-compliant, and a defect  
16 then is a higher level, and I think that's what  
17 we are looking for here today, is to determine  
18 if there was, quote, unquote, a defect.

19 MS. BARRA: Congressman, I think in  
20 the language that we use with NHTSA there is  
21 very specific definitions, and I'd like to  
22 provide those to you as opposed to --

1 MR. TERRY: Oh, I -- I can get the  
2 definitions from NHTSA, that's --

3 MS. BARRA: I'm just --

4 MR. TERRY: I'm not asking you to do  
5 that.

6 MS. BARRA: You're asking a very  
7 specific question related to this, and I'm  
8 trying to be truthful.

9 MR. TERRY: Okay, but just -- All  
10 right. I'm not trying to beat up on you here,  
11 but just repeating back NHTSA's definition, I'm  
12 asking specifically how it com -- how it  
13 applies to the ignition switch and...

14 NHTSA is going to testify there  
15 was no notice.

16 MS. BARRA: NHTSA -- I'm sorry, I  
17 didn't hear you. NHTSA is going to testify --

18 MR. TERRY: I'm under -- My  
19 understanding is that NHTSA said that GM did  
20 not contact them of non-compliance.

21 MS. BARRA: If I find through our  
22 investigation that we did not provide the

1 appropriate information to NHTSA, that will be  
2 a very serious issue, and we will take  
3 appropriate action with the individuals  
4 involved.

5 MR. TERRY: All right. Thank you. I  
6 yield back.

7 CHAIRMAN MURPHY: Gentleman yields  
8 back. I think there is no other questions,  
9 although, Ms. DeGette, you had a clarifying  
10 question?

11 MS. DeGETTE: Yes. I just had two  
12 questions, Mr. Chairman. Thank you.

13 The first one is as I've been  
14 sitting here thinking about these new ignition  
15 switches that you are putting into the recalled  
16 cars, they're based on the 2006 specs, but what  
17 you're saying, Ms. Barra, is that they're going  
18 to meet the highest safety standards when  
19 they're manufactured; is that right?

20 MS. BARRA: Our engineering team is  
21 going through extensive validation testing to  
22 make sure that they meet the requirements.

1 MS. DeGETTE: And on the component  
2 technical specification, it's Tab 53 of your  
3 notebook, which was December 6, 2012, it says:

4 The minimum torque required by  
5 the switch on the return side of the ignition  
6 switch from crank to the run position must be  
7 15 N-CM.

8 So would that be the standard  
9 then, since it says it must be that?

10 MS. BARRA: From the position of run  
11 to access --

12 MS. DeGETTE: Yes.

13 MS. BARRA: -- 15 is the minimum. The  
14 spec is 20 plus or minus 5.

15 MS. DeGETTE: Right. And my final  
16 question, I'm impressed, this committee has  
17 had -- has had experience with Kenneth Feinberg  
18 before because he was appointed to help  
19 administer the fund that was set up by BP after  
20 Deep Water Horizon, which was this committee's  
21 investigation; he was also appointed to  
22 administer the fund after the Boston marathon

1 terrorist attacks.

2 But I want to make sure that what  
3 you're doing when you hire him is you're really  
4 doing something because he's usually hired to  
5 sort out the value of people's claims and then  
6 assign money, and I'm assuming GM's hiring him  
7 to help identify the size of claims and then  
8 help compensate the victims; is that right?

9 Is GM willing to put together  
10 some kind of a compensation fund for this --  
11 these victims that Mr. Feinberg will then  
12 administer?

13 Is that why you have hired him?

14 MS. BARRA: We've hired Mr. Feinberg  
15 to help us assess the situation. We under --

16 MS. DeGETTE: So really there is no  
17 money involved in this at this point?

18 MS. BARRA: We have just hired him,  
19 and we will begin work with him on Friday.

20 MS. DeGETTE: So really you hired him,  
21 you announced it today, but so far he has not  
22 being given any ability to compensate victims,



1 is that what you're saying?

2 MS. BARRA: We are going to work with  
3 him to determine what the right course of  
4 action is.

5 MS. DeGETTE: And might that include  
6 victim compensation here?

7 MS. BARRA: We haven't made any  
8 decisions on that yet.

9 MS. DeGETTE: Okay. Thank you so  
10 much, Mr. Chairman.

11 CHAIRMAN MURPHY: Thank you,  
12 Ms. Barra. We thank you for your time today.

13 GM has cooperated with this  
14 investigation, and we expect your company will  
15 continue to cooperate. Let me make a couple of  
16 requests.

17 One is members will have other  
18 questions for you, and we hope that you respond  
19 to those within -- in a timely manner.

20 We also plan to conduct  
21 interviews, further interviews, with General  
22 Motors officials and employees involved in the

1 recalled part and may be requesting more  
2 records.

3 Will you make sure you make those  
4 available to us?

5 MS. BARRA: We will absolutely  
6 cooperate.

7 CHAIRMAN MURPHY: Thank you.

8 And also on behalf of Chairman  
9 Upton, we would also like to be notified when  
10 you get your internal report and would like to  
11 discuss the chance to review that report as  
12 well.

13 MS. BARRA: We will notify.

14 CHAIRMAN MURPHY: Thank you very much.

15 I thank you, Ms. Barra. You'll be dismissed.

16 But while this is taking place  
17 and we're waiting for Mr. Friedman to sit down,  
18 we're going to take a five-minute break to  
19 allow Mr. Friedman to take his seat, and we  
20 will reconvene this hearing in five minutes.  
21 Thank you.

22

1 (WHEREUPON, a short recess  
2 was taken.)

3 CHAIRMAN MURPHY: Before becoming  
4 NHTSA's, which is the National Highway  
5 Transportation Safety Administration, Deputy  
6 Administrator Friedman worked for 12 years at  
7 the Union of Concerned Scientists as a senior  
8 engineer, research director, and as a deputy  
9 director of the Clean Vehicles Program.

10 I will now swear in the witness.

11 Mr. Friedman, you are aware that  
12 the subcommittee is holding an investigative  
13 hearing and, when doing so, has the practice of  
14 take being testimony under oath.

15 Do you have any objections to  
16 testifying under oath?

17 MR. FRIEDMAN: I do not.

18 CHAIRMAN MURPHY: Thank you.

19 The Chair advises you that under  
20 the rules of the House and under the rules of  
21 the committee, you are entitled to be advised  
22 by counsel.

1 Do you desire to be advised by  
2 counsel during your testimony today?

3 MR. FRIEDMAN: I do not.

4 CHAIRMAN MURPHY: In that case, will  
5 you please rise and raise your right hand?

6 (The witness was thereupon  
7 duly sworn.)

8 MR. FRIEDMAN: I do.

9 DAVID J. FRIEDMAN,  
10 called as a witness herein, having been first  
11 duly sworn, testified before the Subcommittee  
12 as follows:

13 CHAIRMAN MURPHY: Let the record show  
14 the witness is now under oath and subject to  
15 the penalties set forth in Title 18, Section  
16 1001, of the United States Code.

17 Mr. Friedman, you may now give a  
18 five-minute summary of your written statement.

19 MR. FRIEDMAN: Chairman Murphy,  
20 Ranking Member DeGrette, and members of the  
21 committee, thank you for the opportunity to  
22 testify before you today.

1                   To begin, I would like to say  
2                   that on behalf of everyone at NHTSA, we are  
3                   deeply saddened by the lives lost in crashes  
4                   involving the GM ignition switch defect.

5                   The victims, families and  
6                   friends, some of whom I believe are here today,  
7                   have suffered greatly, and I am deeply sorry  
8                   for their loss.

9                   Safety is NHTSA's top priority,  
10                  and our employees go to work every day trying  
11                  to prevent tragedies just like these.

12                  Our work reducing dangerous  
13                  behaviors behind the wheel, improving the  
14                  safety of vehicles, and addressing safety  
15                  defects has helped reduce highway fatalities to  
16                  historic lows not seen since 1950.

17                  In the case of the recently  
18                  recalled General Motors vehicles, we are first  
19                  focused on ensuring that General Motors  
20                  identifies all vehicles with a defective  
21                  ignition switch, fixes the vehicles quickly and  
22                  is doing all it can to inform consumers on how

1 to keep themselves safe.

2 We are also investigating whether  
3 General Motors met its responsibilities to  
4 report and address this defect as required  
5 under federal law.

6 If it failed to do so, we will  
7 hold General Motors accountable as we have in  
8 other cases over the last five years which have  
9 led to record fines on automakers.

10 Internally at NHTSA and the  
11 department, we have already begun a review of  
12 our actions and assumptions in this case to  
13 further our ability to address potential  
14 defects.

15 Today I will share what I have  
16 learned so far. NHTSA used consumer complaints  
17 and early warning data, three special crash  
18 investigations on the Cobalt, industry websites  
19 and agency expertise on airbag technology.

20 Some of that information did  
21 raise concerns about airbag non-deployments, so  
22 in 2007 we convened an expert panel to review

1 the data.

2 Our consumer complaint data on  
3 injury crashes with airbag non-deployments  
4 showed that neither the Cobalt nor the Ion  
5 stood out when compared to other vehicles.

6 The two special crash  
7 investigation reports we reviewed at the time  
8 were inconclusive on the cause of  
9 non-deployment.

10 The reports noted that the  
11 airbags did not deploy and the power mode was  
12 in accessory, but these crashes involved  
13 unbelted occupants and off-road conditions that  
14 began with relatively small collisions where,  
15 by design, airbags are less likely to deploy in  
16 order to avoid doing more harm than good.

17 Further, power loss is not  
18 uncommon in crashes where airbags deploy and  
19 did not stand out as a reason for  
20 non-deployment.

21 In light of these factors, NHTSA  
22 did not launch a formal investigation. We

1 continued monitoring the data, and in 2010  
2 found that the related consumer complaint rate  
3 for the Cobalt had decreased by nearly half  
4 since the 2007 review.

5 Based on our engineering  
6 expertise and our process, the data available  
7 to NHTSA at the time was not sufficient to  
8 warrant a formal investigation.

9 So what does all this mean? It  
10 means that NHTSA was concerned and engaged on  
11 this issue.

12 This was a difficult case where  
13 we used tools and expertise that over the last  
14 decade have successfully resulted in 1,299  
15 recalls, including 35 recalls on airbag  
16 non-deployments.

17 These tools and expertise have  
18 served us well, and we will continue to rely on  
19 and improve them.

20 For example, we have already  
21 invested in advanced computer tools to improve  
22 our ability to spot defects and trends and are



1 planning to expand that effort, but what we  
2 know now also means that we need to challenge  
3 our assumptions, we need to look at how we  
4 handle difficult cases like this going forward.

5 So we are looking to better  
6 understand how manufacturers deal with power  
7 loss and airbags.

8 We are also considering ways to  
9 improve the use of crash investigations in  
10 identifying defects.

11 We are reviewing ways to address  
12 what appear to be remote defect possibilities  
13 and we are evaluating our approach to engaging  
14 manufacturers in all stages of our defects  
15 process.

16 Between these efforts and those  
17 of the departments's inspector general, I know  
18 that we will continue to improve our ability to  
19 identify vehicle defects and ensure that they  
20 are fixed.

21 But I want to close on one last  
22 important note: Our ability to find defects

1 also requires automakers to act in good faith  
2 and to provide information on time.

3 General Motors has now provided  
4 new information definitively linking airbag  
5 non-deployment to faulty ignition switches,  
6 identifying the parts change, and indicating  
7 potentially critical supplier conversations on  
8 airbags.

9 Had this information been  
10 available earlier, it would have likely changed  
11 NHTSA's approach to this issue.

12 But let me be clear: Both NHTSA  
13 and the auto industry as a whole must look to  
14 improve.

15 Mr. Chairman, Ranking Member  
16 DeGrette, I greatly appreciate the opportunity  
17 to testify before you today. Thank you.

18 CHAIRMAN MURPHY: Thank you. I will  
19 now recognize myself for five minutes.

20 Now, Mr. Friedman, I -- with the  
21 understanding you just got in this position of  
22 acting administrator just a couple months ago

1 and for the last 12 years you were involved in  
2 other groups that focused on green energy and  
3 fuel cell technology, we understand that.

4 If you are unable or  
5 uncomfortable answering certain questions about  
6 automobile engineering and safety, you are more  
7 than welcome to ask someone else, some of your  
8 support staff behind you.

9 So I wanted to find out how NHTSA  
10 is communicating to the public about this  
11 recall, and I believe I have a slide available,  
12 or I have a poster here.

13 I went to your website to see  
14 what I could learn, and -- do we have that  
15 image available, about this -- and what it  
16 shows -- this is all.

17 This is all I could find on your  
18 website about the recall notice. No  
19 information about the broader recalls, about  
20 parts, replacement, investigation or anything.

21 I can't even click on this. It  
22 simply says get rid of your car key fobs, but

1       there is nothing else that person can do.

2                   Can you fix this website so  
3       people can use it to get more useful  
4       information, please?

5                   MS. BARRA:   Congressman, if there is  
6       added information that should be on there to  
7       make sure that people can get to the  
8       information available on our website, we'll  
9       take those steps.

10                   Right now consumers can go to our  
11       website and get all of -- all of the details  
12       associated with this recall if they go to that  
13       search button and select the 2005 Cobalt.

14                   CHAIRMAN MURPHY:   I just -- to make it  
15       easier, because --

16                   MR. FRIEDMAN:   Absolutely.

17                   CHAIRMAN MURPHY:   -- still don't trust  
18       government websites.

19                   MR. FRIEDMAN:   We'll make a link --

20                   CHAIRMAN MURPHY:   Just make the click  
21       link.

22                   MR. FRIEDMAN:   -- right there, sir.

1 Absolutely. That's fine.

2 CHAIRMAN MURPHY: In 2007 the chief of  
3 NHTSA's Defect Assessment Division proposed  
4 opening an investigation of airbag  
5 non-deployments in Chevy Cobalts.

6 Am I correct about that date?

7 MR. FRIEDMAN: Yes.

8 CHAIRMAN MURPHY: Now, if you turn to  
9 Page -- to Tab 19 in your binder, it's labeled  
10 as the DAD panel for November 15th, 2007, this  
11 is the Power Point presentation made to the  
12 defect assessment panel on November 15th.

13 At Bates stamp 4474 -- those  
14 little numbers at the bottom of the page -- the  
15 presentation states that there have been 29  
16 complaints about the Cobalt airbags, 4 fatal  
17 crashes, and 14 field reports; is that correct?

18 MR. FRIEDMAN: That sounds correct.

19 CHAIRMAN MURPHY: At Bates stamp 4480  
20 there is a chart of airbag warranty claims for  
21 Cobalt airbags as compared to other comparable  
22 vehicles.

1 Do you agree that the number of  
2 warranty claims for Cobalt airbags is much  
3 higher than other cars?

4 MR. FRIEDMAN: Congressman,  
5 Mr. Chairman, that is one of the issues that  
6 did raise concerns on our part.

7 What that chart shows is warranty  
8 claims, some of which are likely associated  
9 with airbag non-deployments, some of which may  
10 also, and are very likely, to be associated  
11 with warning lights on airbags or other  
12 potential problems.

13 This is a gross look at the data,  
14 an important look at the data, that is provided  
15 by our early warning data system that we use to  
16 decide whether or not we need to look further  
17 into one of these issues, which is what we did  
18 do in this case.

19 CHAIRMAN MURPHY: But still the NHTSA  
20 panel decided there was not a trend here and  
21 decided not to investigate despite the number  
22 of complaints, the fatal crashes and the

1 warranty claims.

2 Why was NHTSA convinced that  
3 investigation was not warranted? I believe  
4 this happened on two occasions; NHTSA decided  
5 twice don't move forward with an investigation.

6 What specific information did you  
7 have that said don't go forward?

8 MR. FRIEDMAN: Mr. Chairman, when we  
9 look at these cases, and when they looked at  
10 this case, at the time they look at the whole  
11 body of information.

12 They don't -- you can't just rely  
13 necessarily on one piece of information.

14 The core piece of information  
15 that they relied on in the determination there  
16 wasn't sufficient enough information first was  
17 analysis of the complaints, the injury crash  
18 complaints associated with airbag  
19 non-deployments, and the exposure, the number  
20 of those divided by the number of vehicles that  
21 were on the road and the number of years they  
22 were on the road. That gives you a sense of

1     how large the problem is in comparison to other  
2     vehicles.

3                     When the team did that  
4     comparison, the Cobalt did not stand out. It  
5     was a little bit above average, but there were  
6     several vehicles that were significantly  
7     higher, there were some vehicles --

8                     CHAIRMAN MURPHY: I understand, but  
9     twice employees at NHTSA raised a red flag on  
10    this; it wasn't just once, and a second time,  
11    too, they said something's not right here, so  
12    I'm wondering if you did something different  
13    when that occurred the second time in reviewing  
14    it, such as did anybody ask questions of why an  
15    airbag doesn't deploy?

16                    I mean, I looked at the  
17    statements there, it had a number of things  
18    about power losses or how much longer battery  
19    power would be involved in an airbag deployment  
20    in the case of an accident, but did anybody ask  
21    the question was there anything else, any other  
22    reason, why an airbag wouldn't deploy within



1 NHTSA? Did anybody ask those questions?

2 MR. FRIEDMAN: Mr. Chairman, my  
3 understanding is folks were trying to  
4 understand why the airbags did not deploy; when  
5 you -- when they looked at the special crash  
6 investigations in 2007 as well as the data  
7 available, those special crash investigations  
8 were inconclusive.

9 Why? Because they indicated that  
10 these crashes were happening in off-road  
11 conditions with unbelted occupants --

12 CHAIRMAN MURPHY: I understand. I'm  
13 looking at reasons why airbags wouldn't deploy,  
14 and so you were talking among yourselves  
15 according to what we understand of the Power  
16 Points.

17 What specifically did, NHTSA, ask  
18 GM, for example, and this is very  
19 important, did NHTSA raise a question with GM,  
20 tell us the reasons why an airbag would not  
21 deploy in one of your cars?

22 Did you ask GM that question?

1 MR. FRIEDMAN: I don't have a record  
2 of that. I know our team did bring up concerns  
3 over this case to General Motors in a meeting,  
4 but I don't have records of us asking that  
5 specific question.

6 CHAIRMAN MURPHY: I mean, it's  
7 important because you're saying GM didn't  
8 provide you information, but you're also saying  
9 you don't know if you asked them for the  
10 information.

11 I mean, it's important for the  
12 families to know what happened, and if this key  
13 government agency which is tasked with  
14 protecting the safety of the public -- I just  
15 want to know if those kind of questions get  
16 asked.

17 MR. FRIEDMAN: Mr. Chairman, those  
18 questions typically do get asked of the car  
19 companies when we move into the investigation  
20 phase.

21 What this phase and where this  
22 was was a phase where concerns are raised and

1 it's discussed whether or not there is  
2 sufficient information to move to the point of  
3 asking those questions of automakers.

4 Roughly -- In these defects  
5 panels, roughly half the cases that are brought  
6 up are brought into investigations, roughly  
7 half are not.

8 One of the things that we are  
9 looking at relative to this process going  
10 forward is do we need to make any changes when  
11 it comes to how we present this information and  
12 when we present our concerns to automakers.

13 I do believe that there are some  
14 changes that we can make to engage automakers  
15 earlier in the process to put them in the  
16 position of letting us know if our concerns are  
17 shared by them and...

18 CHAIRMAN MURPHY: Certainly the  
19 families would want to know in retrospect what  
20 would you change in this whole process, but I'm  
21 out of time.

22 I now recognize Ms. DeGette for

1 five minutes.

2 MS. DeGETTE: Thank you, Mr. Chairman.

3 Mr. Friedman, NHTSA investigated  
4 airbag non-deployment, but as -- as you talked  
5 about, it was never able to connect the dots  
6 between that problem and the defective ignition  
7 switch, so what I want to know is if NHTSA had  
8 the relevant information it needed to make a  
9 fully informed determination and what the  
10 agency believed about the connection between  
11 the ignition switch position and airbag  
12 non-deployment during the time of its special  
13 crash investigations.

14 In your written testimony you  
15 note that when NHTSA was investigating the  
16 airbag non-deployment issue, the agency  
17 mistakenly believed -- mistakenly believed  
18 based on GM service literature that the airbags  
19 would function up to 60 seconds after the power  
20 cut off.

21 Why did NHTSA think that?

22 MR. FRIEDMAN: Thank you, Ranking

1 Member.

2 That -- that knowledge was  
3 actually based on years of experience and  
4 previous experience with earlier airbags where  
5 there was actually a problem where airbags  
6 would go off long after the vehicle was turned  
7 off.

8 MS. DeGETTE: And --

9 MR. FRIEDMAN: Airbag systems have  
10 capacitors in them, and those capacitors are  
11 designed to store energy so that if power is  
12 lost, the airbag can still deploy, because  
13 power is often lost in some of these kinds of  
14 crashes.

15 MS. DeGETTE: So that's based on the  
16 GM service literature --

17 MR. FRIEDMAN: Yes.

18 MS. DeGETTE: -- or the agency's  
19 experience or both?

20 MR. FRIEDMAN: That's a very important  
21 question.

22 MS. DeGETTE: Right.

1 MR. FRIEDMAN: My understanding is  
2 that was based on the agency's experience.

3 My understanding is, and I  
4 apologize if I was not clear enough in my  
5 testimony, we have -- we since -- after General  
6 Motors made this recall found that service  
7 information that confirmed our understanding at  
8 the time is that airbags are designed to be,  
9 which was that airbags are designed to be  
10 powered when the power is lost, so a power loss  
11 would not typically stand out.

12 MS. DeGETTE: Okay. So -- so you were  
13 base -- NHTSA was basing -- you weren't there,  
14 but NHTSA was basing its determination on its  
15 experience.

16 How is it then that it failed to  
17 connect the dots between the airbag  
18 non-deployment problem and the ignition switch  
19 problem?

20 MR. FRIEDMAN: Well, excuse me, I  
21 believe there is two situations here.

22 First of all, the information we

1 had at the time indicated that there were two  
2 possibilities put in front of us in one of the  
3 special crash investigation reports.

4 One of them was that the ignition  
5 being off could have been a cause; another one  
6 was that the circumstances of the crash could  
7 have been the cause.

8 In those two cases, the more  
9 likely scenario was that the circumstances of  
10 the crash were more likely to yield to the  
11 airbags not deploying.

12 MS. DeGETTE: So you also said that GM  
13 had critical information that would have helped  
14 identify this -- this defect that NHTSA didn't  
15 have.

16 What information could GM have  
17 given you that would -- the agency, that would  
18 have helped identify the real problem?

19 MR. FRIEDMAN: Well, I made that  
20 statement based on looking at the chronology  
21 that General Motors provided with this recall.

22 MS. DeGETTE: Okay.

1 MR. FRIEDMAN: And there were at least  
2 a few things in that chronology that raised  
3 some concerns for me.

4 MS. DeGETTE: And what were those  
5 things?

6 MR. FRIEDMAN: The first was that  
7 there was a change in part number relative to  
8 the ignition switch, and we were never informed  
9 of that change.

10 The second is that there was a --  
11 there were some conversations with suppliers  
12 about their control algorithms, the control  
13 systems, for airbags. We were never informed  
14 of that conversation to my knowledge, and we  
15 did not have the details on how that -- those  
16 algorithms worked.

17 Third, and most importantly,  
18 General Motors created a direct connection in  
19 their recall between the airbag non-deployment  
20 and the ignition switch.

21 If we had any of those pieces of  
22 information, I truly believe it would have



1 changed. (Inaudible).

2 MS. DeGETTE: Now, if GM is changing a  
3 part, are they legally required to inform NHTSA  
4 of that change?

5 MR. FRIEDMAN: That's not -- it's not  
6 clear to me that that's a legal requirement,  
7 but I can get back to you to make sure.

8 MS. DeGETTE: I'd appreciate that  
9 because it seems to me that's critical.

10 Now, in your -- in your opening  
11 statement, you said that -- you said that in  
12 order for NHTSA to be able to make a correct  
13 determination, you need all of the information  
14 as you have just said and you need the company  
15 to be acting in good faith.

16 Based on what you know now, do  
17 you think that at this -- at the time that all  
18 of this was happening, GM was acting in good  
19 faith towards the agency?

20 MR. FRIEDMAN: Congressman, we have an  
21 open investigation to answer that exact  
22 question, and if we find out that they were

1 not, we will hold them accountable.

2 MS. DeGETTE: And I would hope that  
3 you would inform this committee irrespective of  
4 your determination, whether they did or didn't.

5 MR. FRIEDMAN: Absolutely.

6 MS. DeGETTE: When do you expect to  
7 finish that investigation?

8 MR. FRIEDMAN: I can't put an exact  
9 timeline on it. We're getting hundreds of  
10 thousands of documents from General Motors.

11 The deadline is April 3rd for  
12 them to provide those documents; it's not clear  
13 that they will be able to provide all the  
14 documents at the time, but we've been making  
15 sure that they are continuously producing  
16 documents so we can understand.

17 As soon as my team is able to  
18 find information in those documents that  
19 indicates that General Motors had information  
20 that they should have acted on sooner, we will  
21 determine how to move forward to hold General  
22 Motors accountable or, if we don't find that

1 information, then we will also let you know.

2 MS. DeGETTE: Thank you.

3 CHAIRMAN MURPHY: Ms. DeGette yields  
4 back.

5 With regard to Ms. DeGette's  
6 question about if there is a change in a part  
7 do they need to notify you, will you also let  
8 us know if there -- if they make a change in a  
9 part, do they also have to have a different  
10 part number?

11 I don't know what NHTSA's  
12 requirements are on that. That's an issue.  
13 Just -- You can submit that for the record.

14 MR. FRIEDMAN: Yes, I'll circle back  
15 to you to be clear.

16 CHAIRMAN MURPHY: We also need to know  
17 what information you were reviewing with regard  
18 to these airbags, was -- on GM cars, was it  
19 specific to Cobalt, and would you please  
20 provide that information to the -- to the --

21 MR. FRIEDMAN: Yes, Mr. Chairman, I  
22 believe we have provided a significant --

1 significant amount of documentation, but we  
2 will continue to do so.

3 CHAIRMAN MURPHY: We'd like to know  
4 what you're reviewing.

5 Now recognize the chairman of the  
6 full committee, Mr. Upton, for five minutes.

7 MR. UPTON: Well, thank you,  
8 Mr. Chairman, and I just want to -- I know you  
9 are, as well as our committee, is literally --  
10 we're looking through boxes of information,  
11 thousands and thousands of pages, and -- and  
12 that continues, and it looks like we'll be  
13 getting some more down the road.

14 As you know, I wrote the TREAD  
15 Act, which passed unanimously in Congress,  
16 President Clinton signed it into law, and the  
17 whole point -- or a major point of that law was  
18 that NHTSA would, in fact, get the information  
19 that it needed to detect -- to detect a trend  
20 as quickly as they could.

21 So when NHTSA considered whether  
22 to investigate the Cobalt for an airbag defect

1 back in '07, the early warning data was one of  
2 the factors that was cited in the defect --  
3 Defect Assessment Division's recommendation to  
4 investigate it, correct?

5 MR. FRIEDMAN: That's correct.

6 MR. UPTON: So what was -- what was --  
7 Looking back, what is the problem? Did GM not  
8 report the information that the law required or  
9 was NHTSA unable to sort through the  
10 information that it had to find the problem, or  
11 both?

12 MR. FRIEDMAN: Congressman, we have an  
13 open investigation to determine whether or not  
14 General Motors failed in their responsibility  
15 to provide information, and we will definitely  
16 report to this committee the results of that  
17 effort.

18 In terms of what our team did,  
19 our team looked at all the available  
20 information using -- using the approach that  
21 we've used successfully to lead to over 1,299  
22 recalls influenced by NHTSA over the last ten

1 years.

2 We used that process to look into  
3 the early warning data, to look at the consumer  
4 complaint data, to look at special crash  
5 investigations, and a variety of other  
6 information.

7 We dug into that data. We  
8 analyzed it. We tried to see if there was a  
9 defect trend that stood out. The data didn't  
10 support that. It showed that the Cobalt did  
11 not stand out when it came to airbag  
12 non-deployments.

13 We looked at the special crash  
14 investigations; those available at the time  
15 were inconclusive.

16 This is a case where the team  
17 worked very hard to try to understand what was  
18 happening and wasn't able to see a significant  
19 enough trend or a clear enough defect.

20 What I'm learning from this and  
21 where we have to go in the future is we need to  
22 look more carefully at remote defect

1 possibilities. We need to reconsider the way  
2 we're using special crash investigations. We  
3 need to continue to invest in tools.

4 We're already investing in  
5 computer tools basically grown out of the  
6 Watson-IBM software to be able to more  
7 effectively, more efficiently, use our  
8 resources to spot trends.

9 We've got to put all these tools  
10 forward and we've got to look for opportunities  
11 to make changes so we can better spot these  
12 defects.

13 MR. UPTON: So when you look to embark  
14 on an investigation, do you consider the number  
15 of deaths?

16 I mean, is there -- is there some  
17 trigger that you use to -- to -- to warrant a  
18 further exploration, whether it's 1 death, 4  
19 deaths, 10 deaths, 20, 100?

20 I mean, is there some type of  
21 standard equation that you put into place?

22 MR. FRIEDMAN: Congressman, there's

1 not. Our goal, what I would love to be able to  
2 do, is to find each and every one of these  
3 defects before there is a death.

4 It is the manufacturer's  
5 responsibility to be reporting all of these  
6 defects and getting them fixed.

7 When they do not, it is our job  
8 to try to find them.

9 We don't have a simple rule of  
10 thumb because each case is different.

11 In some cases we have opened  
12 investigations after one incident where it was  
13 clear that it was a defect; in other cases  
14 we've had to rely on the trend data that  
15 indicates that this stands out. I can't give  
16 you a specific rule of thumb.

17 MR. UPTON: So let's play Monday  
18 morning quarterback. So today's April 1st,  
19 2014. These problems arose over the last ten  
20 years.

21 What would you have liked to have  
22 had on your platter from GM specifically in



1 terms of information today that you didn't have  
2 in the last eight or ten years?

3 MR. FRIEDMAN: Well, at a minimum what  
4 I can tell you, based on their chronology, I  
5 would have liked to have had information that  
6 they had changed the parts on the ignition  
7 switch.

8 I would have liked to have had  
9 information that they were talking to their  
10 suppliers, because they appear to have had  
11 concerns about the algorithm associated with  
12 airbag non-deployments.

13 I would certainly have liked to  
14 have any information linking the ignition  
15 switch defect to airbag non-deployments.

16 As we go through our  
17 investigation I should be able to come back to  
18 you and let you know if there is additional  
19 information they should have --

20 MR. UPTON: And are you pretty certain  
21 today that they did not provide that  
22 information to you?

1 MR. FRIEDMAN: It's my understanding  
2 that none of that information was available.

3 We are continuing our efforts to  
4 try to make sure that we understand what  
5 happened, so I can't say that I can give you a  
6 comprehensive and definitive answer, but my  
7 understanding at this point is that no, we did  
8 not have that information.

9 MR. UPTON: I know Mr. Long wanted my  
10 last 15 seconds, so -- I bet it's now gone. I  
11 yield back.

12 MR. LONG: Thank you, Mr. Chairman. I  
13 will have my friend, Mr. Terry here, assist me,  
14 and the chairman of the committee here,  
15 subcommittee, showed you this picture a while  
16 ago and said he couldn't navigate past this  
17 page, and you said that if any new information  
18 became available to you, that you would get  
19 this on the website.

20 Something we learned at the first  
21 hearing that I think is very germane, is if you  
22 will take your car to General Motors, they will

1 give you a loaner at no cost or a rental car at  
2 no cost.

3 I would call that very germane, I  
4 would call it critical. If somebody's got an  
5 '05, '06, '07, I think it would be enticing to  
6 drive a '14 for a little while while they  
7 repair your car, so that would be suggestion to  
8 put on there.

9 I yield back.

10 CHAIRMAN MURPHY: Thank you. I might  
11 note to the gentleman that I received a call  
12 from one of my constituents that said he's  
13 tried to get a loaner car and the dealer told  
14 him he couldn't have one, too.

15 MS. DeGETTE: And one more thing, too,  
16 you could put on there is take all your keys  
17 off the key ring except for the ignition key.  
18 That's the other thing Ms. Barra said.

19 Is that on here?

20 MR. FRIEDMAN: Congressman, I believe  
21 that is very clearly on there.

22 MS. DeGETTE: Okay.

1 MR. FRIEDMAN: In fact, just to be  
2 clear, the reason why we did that is because  
3 safety is our top priority. We are all focused  
4 on investigating this case, but safety --

5 MS. DeGETTE: Right.

6 MR. FRIEDMAN: -- safety is our top  
7 priority, which is why the first thing I wanted  
8 people to see when they came to that website  
9 was how to keep themselves safe, so I do just  
10 want to be clear, that's why we have that  
11 limited information there, because I didn't  
12 want anyone out there who came to our website  
13 not to understand the steps how to keep  
14 themselves safe.

15 I agree, it's a good idea to put  
16 on there. I'll have to see if we can fit it in  
17 the space we've got or if there is another way  
18 to point people to it, but I agree, it's a good  
19 idea to let people know.

20 CHAIRMAN MURPHY: People need to know  
21 if it's safe to drive their current cars.

22 Mr. Dingell, you are now

1 recognized for five minutes.

2 MR. DINGELL: Thank you.

3 Mr. Friedman, let's look at NHTSA's internal  
4 decision making processes. These questions  
5 will require a yes or no answer.

6 Is it correct that contractors  
7 for NHTSA's special crash investigations  
8 program conducted three separate investigations  
9 of Chevy Cobalts in 2005, '06 and '09 related  
10 to airbag non-deployment?

11 MR. FRIEDMAN: Yes, that's correct.

12 MR. DINGELL: Now, is it correct that  
13 NHTSA's Office of Defects Investigation reviews  
14 early warning reporting data and consumer  
15 complaints in deciding whether to open a formal  
16 defects investigation?

17 MR. FRIEDMAN: Yes, those are parts of  
18 the process.

19 MR. DINGELL: Now, is it correct that  
20 GM submitted EWR data to NHTSA concerning the  
21 Chevrolet Cobalts subject to NHTSA's 2005 and  
22 2006 special con -- special crash

1 investigations? Yes or no.

2 MR. FRIEDMAN: I'm sorry, sir, could  
3 you repeat that, please?

4 MR. DINGELL: I'll give it to you  
5 again.

6 Is it correct that GM submitted  
7 EWR data to NHTSA concerning Chevrolet Cobalts  
8 subject to NHTSA's 2005 and 2006 special crash  
9 investigations?

10 MR. FRIEDMAN: Yes, that's correct.  
11 Those are important parts of our company.

12 MR. DINGELL: Now, is it correct that  
13 the Office of Defects Investigation, ODI,  
14 follows a multi-step process in order to  
15 determine whether a defect exists in a vehicle?  
16 Yes or no.

17 MR. FRIEDMAN: Yes.

18 MR. DINGELL: Now, and that process  
19 includes an initial evaluation, a preliminary  
20 evaluation, and an engineering analysis; is  
21 that correct?

22 MR. FRIEDMAN: Yes, that's the

1 standard process, but we will act earlier in  
2 that stage if we have compelling information if  
3 there is a defect.

4 We do not wait necessarily to go  
5 through that whole process if we have  
6 sufficient information to act.

7 MR. DINGELL: All right. Now, let's  
8 clarify something.

9 NHTSA's special crash  
10 investigation program is something separate and  
11 distinct from the formal ODI investigations  
12 process; is that correct?

13 MR. FRIEDMAN: That's correct.

14 MR. DINGELL: Now, is it correct that  
15 the Office of Defects Investigation convened an  
16 initial evaluation panel in 2007 to investigate  
17 the non-deployment of airbags in the 2003, 2006  
18 Chevy Cobalts and Ions? Yes or no.

19 MR. FRIEDMAN: That's correct.

20 MR. DINGELL: Now, is it correct that  
21 the review was prompted by 29 consumer  
22 complaints, 4 fatal crashes, and 14 field

1 reports?

2 MR. FRIEDMAN: That was one of the  
3 reasons for the review. Additional --

4 MR. DINGELL: What were the other  
5 reasons?

6 MR. FRIEDMAN: In addition we were  
7 looking at consumer complaints; those  
8 complaints raised concerns as well, and I can  
9 get back to you on the record with each of the  
10 pieces of information that were involved, but  
11 we do have a memo that was provided when  
12 this -- when it was proposed to potentially  
13 move this to a defect.

14 It lays out early warning data,  
15 consumer complaint data concerns, special crash  
16 investigations.

17 MR. DINGELL: Would you submit that  
18 for the record, please?

19 MR. FRIEDMAN: Yes.

20 MR. DINGELL: Now, were there other  
21 things that triggered this review?

22 MR. FRIEDMAN: My understanding is it



1 was all the items in that memo, was the  
2 information that triggered this review.

3 MR. DINGELL: So there weren't other  
4 things. Now, is it correct that ODI decided  
5 not to elevate that review to a more formal  
6 investigation because there was a lack of  
7 discernible trend? Yes or no.

8 MR. FRIEDMAN: Yes, that was one of  
9 the reasons.

10 MR. DINGELL: What were the other  
11 reasons?

12 MR. FRIEDMAN: The other reason is  
13 that the crash investigation information we had  
14 was inconclusive and did not -- was not able to  
15 point to a specific defect.

16 MR. DINGELL: All right. Now, to be  
17 clear, at the time of the 2000 initial  
18 evaluation, NHTSA had concluded that the Chevy  
19 Cobalt was not over-represented compared to  
20 other peer vehicles with respect to injury  
21 crash rates; is that correct?

22 MR. FRIEDMAN: That's correct.

1 MR. DINGELL: Was there any other  
2 reason?

3 MR. FRIEDMAN: Was there any other --  
4 the --

5 MR. DINGELL: Was there any other  
6 reason that you came to that conclusion?

7 MR. FRIEDMAN: And 2007.

8 MR. DINGELL: Now, also to be clear,  
9 NHTSA did not have information at the time of  
10 the 2007 investigation that, for example,  
11 linked airbag non-deployment to ignition switch  
12 position; is that correct?

13 MR. FRIEDMAN: We do not have any  
14 specific information that provided a direct  
15 link.

16 MR. DINGELL: So you agree?

17 MR. FRIEDMAN: I believe so.

18 MR. DINGELL: Okay. Now, Mr.  
19 Chairman, I am troubled here. It appears that  
20 we have a flaw in NHTSA's decision making  
21 process which is related to defects and their  
22 inquiries into defects.

1 I fully recognize, and I am, like  
2 most of the members of this committee I think,  
3 critical of the fact that NHTSA is short  
4 staffed and underfunded.

5 At the same time, I am compelled  
6 to agree with Acting Administrator Friedman  
7 that Congress may need to examine the use of  
8 special crash investigations in the defect  
9 screening process, how best to get NHTSA the  
10 information it needs for that process and how  
11 best to engage manufacturers around the issue  
12 of evaluations.

13 In so doing, I think we will help  
14 better the safety of American motorists and  
15 their families, and I yield back the balance of  
16 my time.

17 CHAIRMAN MURPHY: The gentleman yields  
18 back.

19 Now recognize Dr. Gingrey of  
20 Georgia for five minutes.

21 DR. GINGREY: Mr. Chairman, thank you.

22 Mr. Friedman, in your written

1 testimony you suggested that NHTSA, your  
2 agency, did not pursue investigations into the  
3 issues with Cobalt and Ion because they were  
4 unaware of information developed by General  
5 Motors.

6 In the years leading up to this  
7 recall, has NHTSA had any concern with General  
8 Motors' responsiveness or lack thereof to  
9 safety defects and concerns?

10 MR. FRIEDMAN: Congressman, I would  
11 like to get back to you on the record for that.

12 MR. DINGELL: Well, let me -- let me  
13 do this. You may not have to do that. Just --  
14 Just look at Tab 34. It's right there in front  
15 of you.

16 In July, 2013 the head of ODI  
17 e-mailed the head of General Motors with a  
18 number of concerns. It's the second page,  
19 bottom of the second page. Sent to Carmen.

20 Do you see where I am --

21 MR. FRIEDMAN: Yes.

22 DR. GINGREY: Are you with me?

1 MR. FRIEDMAN: I have not seen this  
2 before, but yes, I do.

3 DR. GINGREY: Yeah, okay. Do you want  
4 to read that first paragraph? And then look up  
5 and I'll know that you have read it.

6 MR. FRIEDMAN: Yes.

7 DR. GINGREY: He stated the general  
8 perception is that General Motors is slow to  
9 communicate, slow to act and at times requires  
10 additional efforts of ODI that we do not feel  
11 is necessary with some of your peers.

12 You read that, didn't you?

13 MR. FRIEDMAN: Yes.

14 DR. GINGREY: Were you aware of the  
15 concerns raised by ODI in I guess that was July  
16 of 2013?

17 MR. FRIEDMAN: I was not aware of this  
18 specific e-mail, but I have been in at least  
19 one meeting where we sat down with General  
20 Motors and made clear to them that they needed  
21 to make sure that they were following an  
22 effective process when it came to their

1 recalls.

2 DR. GINGREY: Yes, so there was --  
3 there was definitely some concern?

4 MR. FRIEDMAN: Well, we -- with each  
5 and every automaker we need to make sure that  
6 they have a good and effective process to  
7 quickly deal with this.

8 This e-mail clearly indicates  
9 some very specific concerns.

10 DR. GINGREY: Did the agency have  
11 similar concerns in 2007, 2010, when it  
12 declined to advance any investigations into  
13 non-deployment of airbags in these GM vehicles?

14 MR. FRIEDMAN: I don't know.

15 DR. GINGREY: You weren't with NHTSA  
16 at the time?

17 MR. FRIEDMAN: No, I joined NHTSA back  
18 last year. I've been there for almost a year  
19 now.

20 DR. GINGREY: Do you think NHTSA did  
21 enough to get the information that it needed?

22 MR. FRIEDMAN: I believe in this case

1 that the team looked very clearly and very  
2 carefully at the data.

3 I believe that the reason why we  
4 didn't move forward was because the data  
5 indicated that the Cobalts didn't stand out and  
6 that we didn't have conclusive -- we didn't  
7 have conclusive information as to a very  
8 specific --

9 DR. GINGREY: Well, you know in 2005  
10 GM issued this technical services bulletin, and  
11 that's Tab 12, if you want to flip quickly to  
12 Tab 12 of your document binder.

13 In this technical service  
14 bulletin to its dealers it recommended a  
15 solution for complaints of this inadvertent key  
16 turn due to the low torque, particularly to the  
17 Chevrolet Cobalts.

18 The technical service bulletin  
19 instructed the dealers exactly what to do, to  
20 provide an insert that converted a key from a  
21 slot design to a hole design. I don't know  
22 exactly what that means, but they do.

1                   General Motors believed that this  
2                   would help reduce the force exerted on the  
3                   ignition while driving from maybe shaking of  
4                   the keys or bumping it with your knee.

5                   In 2006 the technical services  
6                   bulletin was expanded to include additional  
7                   make and model years.

8                   Unfortunately in the case of this  
9                   young girl, 29-year old Brooke Melton, the  
10                  nurse from my congressional district, that was  
11                  killed the day after she took her car in,  
12                  saying, hey, this engine is cutting off for no  
13                  reason, and, you know, I know they must have  
14                  gotten the technical service bulletin about  
15                  this issue, but all they did was clean out her  
16                  fuel line, gave her the car the next day, and  
17                  led her to her death.

18                  Administrator Friedman, yes or  
19                  no, was NHTSA aware of General Motors' 2005,  
20                  2006 technical services bulletins related to  
21                  low ignition key cylinder torque effect?

22                  MR. FRIEDMAN: Mr. Gingrey, first if I



1 may --

2 DR. GINGREY: Yes.

3 MR. FRIEDMAN: -- Brooke's death was a  
4 tragedy, and it's a tragedy that we work each  
5 and every day to avoid.

6 I do believe we were aware as  
7 part of our efforts and as part of the special  
8 crash investigation, that we were aware of that  
9 technical service bulletin.

10 At the time that technical  
11 service bulletin would not have been seen as  
12 being associated with airbag malfunction.

13 DR. GINGERY: Yes, listen, I believe  
14 you, Mr. Friedman. I believe you, and  
15 obviously when people are -- are driving  
16 impaired or through texting or e-mailing or  
17 whatever and, you know, they don't change the  
18 oil when they should and their tires are low  
19 and the brakes are worn out, you know, there is  
20 some responsibility there, some personal  
21 responsibility, but when they're doing  
22 everything the right way and they take their

1 car in and they think that -- you know, they  
2 trust the service department of the local  
3 dealership and they get a situation like this,  
4 I mean, you can understand why -- She's gone,  
5 but her parents are obviously -- and all these  
6 parents, these families, are just irate because  
7 they -- the expectation, if they're doing the  
8 right thing, they ought to be safe.

9 MR. FRIEDMAN: Congressman, I  
10 completely understand, and I would actually  
11 argue that consumers should expect that their  
12 cars should function as they are designed no  
13 matter the cause of the crash.

14 DR. GINGREY: Absolutely. Thank you.  
15 Thank you, Mr. Friedman.

16 I yield back.

17 CHAIRMAN MURPHY: I would venture to  
18 say that they would assume the car keys don't  
19 have to be monitored and checked.

20 MR. FRIEDMAN: Correct.

21 CHAIRMAN MURPHY: Mr. Green, you are  
22 recognized for five minutes.

1 MR. GREEN: Thank you, Mr. Chairman.

2 Mr. Friedman, thank you for appearing today.

3 NHTSA has a central role for  
4 consumer safety, and I would like to understand  
5 better how long it took for NHTSA to identify  
6 this fault.

7 In your opinion how did NHTSA not  
8 identify the deadly trend?

9 MR. FRIEDMAN: Congressman, when our  
10 team looked at the data the trend did not --  
11 there was not a trend that stuck out.

12 In fact, when it came to airbag  
13 non-deployments, the Cobalt was not an outlier.

14 MR. GREEN: Was GM forthcoming with  
15 their data?

16 MR. FRIEDMAN: Well, that -- that's  
17 the exact question and that's the exact reason  
18 why we have an open investigation to them.

19 I do have -- I do have concerns  
20 about the parts change, about conversations  
21 they had with suppliers and any other  
22 information they may have had, which is exactly

1     why we opened up an investigation to them, and  
2     if they did not follow the law in their  
3     requirements to get information to us and to  
4     respond quickly, we are going to hold them  
5     accountable as we have with many other  
6     automakers.

7             MR. GREEN: Okay. Earlier this month  
8     the New York Times reported on NHTSA's response  
9     to the consumer complaints over the years about  
10    ignition switch issues for the recalled  
11    vehicles.

12            According to the Times, many of  
13    the complaints detail frightening scenes in  
14    which moving cars suddenly stalled at high  
15    speeds on highways in the middle of city  
16    traffic and while crossing railroad tracks.

17            A number of the complaints warned  
18    of catastrophic consequences if something was  
19    not done.

20            NHTSA received more than 260 of  
21    these consumer complaints over the past  
22    11 years about GM vehicles suddenly turning off

1 while driving, but it never once opened a  
2 defective investigation with the ignition  
3 issue, switch issue.

4 If consumers submitted these  
5 complaints to NHTSA, many were met with a code  
6 of just silence.

7 Mr. Friedman, Mary Ruddy's  
8 daughter died in a crash involving a 2005  
9 Cobalt. Ms. Ruddy has repeatedly tried to  
10 contact NHTSA for information, but has only  
11 received form letters.

12 She told the New York Times that,  
13 quote, I just want to hear -- someone to hear  
14 from me. We've had no closure, we still have  
15 no answers. Ms. Ruddy -- I don't know if she  
16 is still here today, but she was in the  
17 audience.

18 Has NHTSA been in contact with  
19 Ms. Ruddy?

20 MR. FRIEDMAN: Mr. Congressman, my  
21 understanding of what happened with  
22 Ms. Ruddy -- Well, first of all, Ms. Ruddy

1 deserves answers and that's exactly why we're  
2 looking into what GM did, that's exactly why  
3 we're making sure we understand what happened.

4 What she's been through, it's a  
5 tragedy, and we've got to work to make sure  
6 that those don't happen again.

7 In terms of my understanding of  
8 Ms. Ruddy's contacts with NHTSA, those contacts  
9 were made through our complaint system.

10 In those complaint systems, as we  
11 do note on the website, we do not necessarily  
12 respond to all of those complaints because what  
13 we're doing with those complaints is we're  
14 looking for potential problems, and if those  
15 complaints don't contain sufficient  
16 information, if we have questions about them,  
17 we do follow up with consumers, but if they  
18 have the information we need, we do not because  
19 the goal of those complaint databases is to try  
20 to find problems.

21 In this case my understanding is  
22 Ms. Ruddy provided those complaints after being

1 notified of a recall that NHTSA did influence,  
2 and we got the Cobalt recalled.

3 MR. GREEN: I only have 5 minutes, but  
4 did you initially receive 260 complaints over  
5 11 years about this automatic shut down of your  
6 engines?

7 MR. FRIEDMAN: I don't have that exact  
8 number, but what I do know is we at NHTSA  
9 humanize, look at every single one of these  
10 complaints to try to find out if there is  
11 something that stands out.

12 My understanding of the  
13 complaints you are referencing is that they  
14 were for stalls and that only a very small  
15 number of them were for airbag non-deployments.

16 What we were looking for --

17 MR. GREEN: Oh, I know, but 260  
18 complaints on the car stopping on the freeway  
19 or wherever it's at, I don't know if that's a  
20 high number or a low number over 11 years, but  
21 you might need to have somebody who actually  
22 looks at complaints -- and I assume they come

1 from different parts of the country, so  
2 somebody identify this and say, hey, we need to  
3 focus on these 260 complaints.

4 MR. FRIEDMAN: Congressman, in this  
5 case a human eye looks at each and every one of  
6 those, and whether that's a large or a small  
7 number, based on the analysis that I've seen  
8 relative to the number of Cobalts that were out  
9 on the road, that was not a very large number  
10 compared to a lot of the other stall complaints  
11 that do happen for a variety of other vehicles  
12 that are out there.

13 MR. GREEN: Well, you told me about  
14 how NHTSA responds to consumer complaints, but  
15 it seems like in this case NHTSA might look at  
16 how they respond to consumer complaints much  
17 better because I know as a member of Congress,  
18 believe me, if we don't not respond to e-mails  
19 letters, we will hear about it, and if I get a  
20 number of e-mails on a certain subject, you  
21 know, we obviously respond to it.

22 Mr. Chairman, I know I am almost



1 out of time and thank you for your courtesy.

2 CHAIRMAN MURPHY: Gentleman yields  
3 back.

4 Now recognize the gentleman from  
5 Louisiana, Mr. Scalise, for five minutes.

6 MR. SCALISE: Thank you, Mr. Chairman,  
7 and, Mr. Friedman, thank you for being with us  
8 and participating in this investigative hearing  
9 as well.

10 I know earlier you had talked  
11 about the decision back in 2007 when the chief  
12 of the Defect Assessment Division at your  
13 agency had suggested opening an investigation  
14 and then ultimately sometime after it was  
15 decided not to open that investigation.

16 When was the decision made not to  
17 open the investigation?

18 MR. FRIEDMAN: That was also made in  
19 2007, and basically what the chief of the  
20 defects investment -- sorry, Defects Assessment  
21 Division was doing was exactly what his job  
22 requires him to do; he is supposed to look for

1 the potential defect cases and bring those up  
2 to a panel where those are considered, where a  
3 broad set of evidence is considered.

4 MR. SCALISE: Is that the trends in  
5 relation to peers? I think that's the language  
6 that y'all were using when you were looking at  
7 I guess similar cars, that were having similar  
8 problems with airbags.

9 MR. FRIEDMAN: That's one of the  
10 pieces of information that's used, as well as  
11 crash investigations and other EWR data that is  
12 involved.

13 About half of those that are  
14 brought up do not end up going to  
15 investigation, but we have designed our system  
16 to make sure that we have at least two teams  
17 always looking for potential problems.

18 The Defects Assessment Division  
19 is always looking for potential problems and  
20 raising that question.

21 MR. SCALISE: Right. And I would be  
22 curious to get the information that you've got

1 within NHTSA that helped make that decision not  
2 to move forward with the investigation between  
3 September of 2007 when the Defect Assessment  
4 Division decided that -- suggested to go  
5 forward and then when you subsequently -- your  
6 agency subsequently decided not to, because  
7 when you look at this chart we've got from  
8 2007, the Cobalt versus peer crash rate, there  
9 is a chart -- and you've got the other peers  
10 and you've got some fairly static numbers and  
11 then you've got the spike here in what's called  
12 the exposure rate per -- per population that  
13 seems to spike with the Cobalt, and so if -- if  
14 the internal decision making was that they were  
15 similar to their peers, it doesn't seem to mesh  
16 with this chart from 2007.

17 So if you can get me or get the  
18 committee whatever information you have on what  
19 decision making went into NHTSA's final call  
20 to -- to reject what was -- what was a warning  
21 or so from -- from internal -- the Defect  
22 Assessment Division, and can you get us that

1 information?

2 MR. FRIEDMAN: Well, I believe we have  
3 provided that information to -- to the  
4 committee already, but if there is additional  
5 information, I will make sure that --

6 MR. SCALISE: And then when y'all --

7 MR. FRIEDMAN: I'm sorry, sir.

8 MR. SCALISE: Were y'all -- You had  
9 something else you wanted to add to that?

10 MR. FRIEDMAN: Thank you. Yes. I  
11 apologize.

12 I just wanted to be clear what  
13 the data shows. I believe you are referring to  
14 this chart. The bars here represent the  
15 defect -- the potential defect or really the  
16 complaint rate, and what you'll see with these  
17 bars is they are not spiking, they're not  
18 standing out in comparison to these others.  
19 The average is here and they're just above  
20 average.

21 MR. SCALISE: The blue line there on  
22 your chart?

1 MR. FRIEDMAN: Right, and that's what  
2 I was wondering if you were pointing to. The  
3 blue line is the volume of -- I believe that's  
4 the volume of reports. No, that's the volume  
5 of sales, so that indicates how many vehicles  
6 were sold, but the complaint rate that's the  
7 important data that we are looking at are the  
8 bars, and the bars --

9 MR. SCALISE: Okay. Did you take  
10 action on any of those other cars that are  
11 identified in that chart?

12 MR. FRIEDMAN: In some cases, we took  
13 action. In some cases, we did not.

14 MR. SCALISE: So some did. If you can  
15 get us -- Again, if you can get the committee  
16 the list of those cars where you did take  
17 action because clearly you made the choice not  
18 to take action in the case of the Cobalt, so we  
19 appreciate if you can get us that.

20 I do want to ask a few other  
21 questions because in your testimony you made a  
22 few -- I don't know if you would call them

1       accusations, but I guess you could call them  
2       that, I mean, here you're saying we're pursuing  
3       an investigation of whether GM met its  
4       timely -- timeliness obligations to report and  
5       address this defect under law.

6                       I know you addressed this  
7       earlier, but if you've got any specifics that  
8       you're referring to when you make that  
9       statement, can you get that to the committee?

10                      MR. FRIEDMAN: Yes. Well, the  
11       specifics I believe are in my testimony, that  
12       there are three things that I'm -- that I'm  
13       concerned about based on their chronology.

14                      First and foremost is that they  
15       have identified there is a link between the  
16       ignition switch and airbag non-deployment;  
17       second is that they changed a part; and third  
18       is they appear to have had conversations with  
19       their suppliers about the airbag algorithm in  
20       relation to the shut-off.

21                      MR. SCALISE: The final question --  
22       and I know I am out of time -- GM had -- this

1 is your statement, GM had critical information  
2 that would have helped identify this defect.

3 Have you gotten our staff that  
4 critical information already that you feel GM  
5 had that would have helped identify this  
6 defect?

7 MR. FRIEDMAN: That information is the  
8 information that was referred to in General  
9 Motors' chronology.

10 I believe the committee has asked  
11 for all that information --

12 MR. SCALISE: So we don't yet have  
13 that as far as you know?

14 MR. FRIEDMAN: I am not aware of  
15 exactly what documents you do or don't have,  
16 but if you don't have that information --

17 MR. SCALISE: If you can make sure we  
18 get that information.

19 MR. FRIEDMAN: -- I will make sure you  
20 have it.

21 I also just wanted to clarify.  
22 We don't only look for trends. If there is a

1 clear defect, we move forward into the  
2 investigation as well, so I don't know the  
3 answer, but on some of these cases, there may  
4 have not been as large of a trend, but if there  
5 was a clear defect, we would have investigated.  
6 There is multiple reasons we do so.

7 MR. SCALISE: Thanks for your  
8 testimony and yield back the balance of my  
9 time, Mr. Chair.

10 CHAIRMAN MURPHY: I just want to make  
11 sure so we are very clear on this, when he's  
12 referring to the information given to this  
13 committee, if you could highlight very  
14 specifically the information you did not have  
15 that GM later gave you that would have changed  
16 your decision, make sure the committee has  
17 that.

18 I mean, I know you said it was a  
19 part switch, but so we can have it.

20 MR. FRIEDMAN: Oh. What I'm referring  
21 to -- and I can highlight it in GM's  
22 chronology -- is I'm referring to specific



1 items that are identified in General Motors'  
2 chronology that brought concerns.

3 We are getting that  
4 information --

5 CHAIRMAN MURPHY: Thank you.

6 MR. FRIEDMAN: -- from General Motors.

7 CHAIRMAN MURPHY: Thank you.

8 Now recognize the gentleman from  
9 Florida, Ms. Castor, for five minutes.

10 MS. CASTOR: Thank you, Mr. Chairman.

11 Administrator Friedman, GM has  
12 confirmed that it knew as early as 2001 that  
13 its ignition switches contained defects, and by  
14 2004, GM had a body of consumer complaints that  
15 raised enough questions for them to open an  
16 internal engineering inquiry of the switches.

17 Meanwhile, the National Highway  
18 Traffic Safety Administration, your agency, was  
19 beginning to receive its own body of consumer  
20 complaints of cars stalling and ignition switch  
21 failures, and in 2005 as your agency was  
22 monitoring airbag non-deployment issues, its

1 special crash investigation of a 2005 Cobalt  
2 found that the ignition switch was in the  
3 accessory position when the airbags did not  
4 deploy.

5           You said at this point it was not  
6 clear to the Highway Traffic Safety  
7 Administration, what was happening, but then  
8 information came out subsequently -- that you  
9 can tell us -- should this have pointed NHTSA  
10 in the right direction -- in 2007 the agency  
11 investigated a second crash of a 2005 Cobalt  
12 where the airbags did not deploy.

13           I think you said at this point  
14 still it did not stick out and you have  
15 testified that you didn't see trends.

16           The crash report found that the  
17 non-deployment could be the result of, quote,  
18 power loss due to movement of the ignition  
19 switch just prior to impact, but at this point  
20 GM was also providing your agency with early  
21 warning reports in the third quarter of 2005,  
22 the fourth quarter of 2006, in addition to the

1 crash -- special crash investigations, so we're  
2 all trying to figure out how it took so long  
3 for these defective ignition switches to  
4 trigger a recall at GM and then raise red flags  
5 at NHTSA and how the Highway Traffic Safety  
6 Administration could have noticed this issue  
7 sooner if GM had been more forthcoming, so the  
8 committee's investigation has revealed that GM  
9 approved switches for these cars that did not  
10 meet the company's specifications in 2002 and  
11 again in 2006.

12 Did GM ever inform the Highway  
13 Traffic Safety Administration of this fact?

14 MR. FRIEDMAN: Of which specific fact?  
15 I apologize.

16 MS. CASTOR: That they -- that the  
17 ignition switches did not meet the company's  
18 specifications.

19 MR. FRIEDMAN: It's my understanding  
20 that we did not have that information.

21 MS. CASTOR: Okay. The supplemental  
22 memo released this morning by the committee's

1 staff also revealed that GM had over 130  
2 warranty claims on the recalled vehicle that  
3 specifically referred to problems with the  
4 ignition switch turning off -- turning the car  
5 off when going over bumps or when drivers  
6 accidentally hit the key with their knee or  
7 leg.

8 Is it true that GM provides --  
9 provided early -- in their early warning  
10 reports aggregate data of the warranty  
11 information, but not the specific warranty  
12 claims listed one-by-one in the comments from  
13 consumers?

14 MR. FRIEDMAN: What -- what all car  
15 companies provide are aggregate numbers  
16 associated with -- with warranties, and so we  
17 don't know when we get those counts what the  
18 reason for those warranties could be.

19 For example, on the airbag side,  
20 I believe I mentioned before, you know, the  
21 complaints could be because the airbag light  
22 was going off when they thought it shouldn't or

1 because the passenger sensor was not working,  
2 so we don't -- when we have that count, we do  
3 not have the information as to the detail of  
4 exactly what each and every one of those  
5 warranty claims is.

6 MS. CASTOR: So if GM had shared the  
7 specific warranty claims, would that have been  
8 helpful to your agency?

9 MR. FRIEDMAN: The specific warranty  
10 claims I believe you're speaking of are related  
11 to the ignition switch itself.

12 MS. CASTOR: Yes, the 130 that have  
13 now come out when the -- due to the committee  
14 investigation.

15 MR. FRIEDMAN: And -- and my honest  
16 answer is I don't know, and that is in part  
17 because what -- at the time we did not have the  
18 information we now have from General Motors  
19 directly connecting the ignition switch to the  
20 airbag recalls.

21 MS. CASTOR: So the state of the law  
22 currently is that in early warning reports on

1 any type of vehicle problem, the car companies  
2 do not have to provide you the specific  
3 warranty claims?

4 MR. FRIEDMAN: I believe that's the  
5 case.

6 MS. CASTOR: They give you a summary  
7 in general?

8 MR. FRIEDMAN: Yes, I believe that's  
9 the case.

10 MS. CASTOR: And that's true whether  
11 it is a warranty problem with a radio or a  
12 warranty problem that could be a serious safety  
13 defect?

14 MR. FRIEDMAN: I believe that's  
15 correct.

16 MS. CASTOR: Is that -- do you think  
17 it's time to look at the law, if the -- if  
18 there -- if a car company has ag -- has so  
19 many -- you know, here are 130 warranty claims  
20 that are specific, and they relate to a serious  
21 safety defect, do you think that would be  
22 helpful to your agency, maybe change the law

1 and say when a car company becomes aware that  
2 they have so many of these serious safety  
3 defects, they have to provide you the specific  
4 warranty complaints from the consumer?

5 MR. FRIEDMAN: Congresswoman, I have  
6 to look at the exact data before I would be  
7 able to tell you whether or not it would be  
8 valuable, but --

9 MS. CASTOR: But certainly if the  
10 company has gathered a critical mass of serious  
11 safety defect complaints, that would be  
12 helpful, right?

13 MR. FRIEDMAN: Well, if they have  
14 information regarding a defect, I believe that  
15 information they without a doubt have to  
16 provide to us. I believe the information --

17 MS. CASTOR: But the law does not  
18 require that currently?

19 MR. FRIEDMAN: Well, if they have  
20 information about a defect, I believe the law  
21 does.

22 I believe what you are referring

1 to are warranty claims, which may or may not be  
2 associated with a defect.

3 MS. CASTOR: Okay. Well, I think this  
4 is an important issue for the committee to look  
5 at. There might be some new line drawing or  
6 direction on what these early warning reports,  
7 and if there is serious safety information,  
8 that they -- a car company has gleaned through  
9 their own internal investigation, it really  
10 needs to be provided to the --

11 CHAIRMAN MURPHY: Thank you.

12 MR. FRIEDMAN: And, Congressman,  
13 Chairman --

14 CHAIRMAN MURPHY: Now recognize  
15 Dr. Burgess for five minutes. Thank you.

16 DR. BURGESS: Thank you,  
17 Mr. Chairman. Thank you, Mr. Friedman, for  
18 being here with us. It's been a long  
19 afternoon.

20 Now, your testimony, I think you  
21 stated that in 2007 and 2010 there was not  
22 enough evidence to conduct a formal



1 investigation into General Motors' Chevrolet  
2 Cobalt despite the number of complaints and  
3 four fatal crashes that had already showed up.

4 But in 2012 your agency, the  
5 National Highway Traffic Safety Administration,  
6 opened an investigation into an airbag problem  
7 that some Hyundai models -- and my  
8 understanding was this was based on a single  
9 complaint, and that's okay, I think the airbag  
10 non-deployment is a serious issue, but why  
11 wasn't it a serious issue when the complaints  
12 were coming in about the Cobalt?

13 Given the fact that you initiated  
14 an investigation with much less evidence in the  
15 case of Hyundai, how can you -- how can you  
16 assert that there was not enough evidence to  
17 proceed with General Motors' case?

18 MR. FRIEDMAN: Congressman, safety is  
19 our priority and airbag non-deployment is a  
20 serious issue, and we treat them very, very,  
21 seriously.

22 I would have to get back to you

1 on the specifics of the Hyundai case, but it  
2 goes back to one of the points I was -- I made  
3 before, which was we are looking for two  
4 potential things, the best thing and the  
5 easiest ability -- the best thing to be able to  
6 find and the clearest thing to be able to find  
7 is when there is an obvious indication of a  
8 defect. All it takes is one, if that's clear.

9 DR. BURGESS: And I agree completely,  
10 and I don't know -- I mean, you were not here  
11 when the CEO testified, when we posed  
12 questions, and one of the questions I posed was  
13 for the accident that occurred in Maryland in  
14 July of 2005 where a Chevy Cobalt went down a  
15 street that ended in a cul-de-sac, it was  
16 driving too fast, lot of problems that night,  
17 but the airbag didn't deploy when the car  
18 impacted some trees, and it was a pretty  
19 serious impact.

20 In fact, it was so serious that  
21 the driver was then pushed up -- compressed  
22 against the steering wheel with such force -- I

1 mean, she only weighed 106 pounds and she broke  
2 the rim off the steering wheel. That's a  
3 massive amount of force for a little 106-pound  
4 body to exhibit.

5 So the airbag didn't deploy, and  
6 you know I've got your report here that it was,  
7 in fact, investigated in December of 2006, but  
8 that's a big deal, that that airbag didn't  
9 deploy, different from all of the other  
10 accidents that we were given information about.

11 Because of the nature of this  
12 person's injuries, because of the cause of her  
13 demise, I can't tell you if the airbag would  
14 have saved her life, but I know without the  
15 airbag there was no chance at all and, of  
16 course, that was proven that night, but an  
17 airbag might have made a difference because the  
18 steering wheel that she broke off actually  
19 compressed against the upper dome of the --  
20 just below the diaphragms, below the rib cage  
21 and lacerated the liver and over the course of  
22 the next hour and 45 minutes, small woman,

1 small blood volume, she bled out. I mean, an  
2 airbag might have made a big difference that  
3 night.

4 Now, contrasting that with  
5 another accident that occurred in Pennsylvania  
6 in 2009 where there was a head-on collision  
7 between a Hyundai and a Cobalt, and as I  
8 pointed out to the GM CEO, the Cobalt was not  
9 at fault in this, the driver of the Cobalt was  
10 not at fault, the Hyundai came over the center  
11 line and there was a head-on collision.

12 Closing speed was probably close  
13 to a hundred miles an hour when you add the  
14 speeds of the two vehicles together. Everyone  
15 who was in the front seat of those two vehicles  
16 died.

17 But the Cobalt airbags did not  
18 deploy, the Hyundai did. Now, unfortunately it  
19 didn't make any difference as to the overall  
20 fatality of that accident, but here you've got  
21 a side-by-side, identical speeds with which the  
22 impact occurred, the deceleration forces were

1 identical in both automobiles, Hyundai deploys,  
2 Cobalt doesn't.

3 This is a problem, don't you  
4 agree?

5 MR. FRIEDMAN: Congressman, when  
6 airbags don't deploy, that's a serious issue.  
7 There is also a serious issue sometimes when  
8 airbags do deploy.

9 Over 200 people died  
10 because airbags, earlier airbags, deployed when  
11 they shouldn't have or deployed too strongly  
12 when they shouldn't have.

13 Part of the challenge with all  
14 this, part of the reason why this information  
15 ended up not being conclusive for us, is  
16 because airbags are designed even in some  
17 difficult crashes to not go off because that's  
18 the safest thing. That's the best way to avoid  
19 physical harm.

20 DR. BURGESS: Sir, with all due  
21 respect, I cannot imagine -- and I am not an  
22 engineer and I am not a lawyer, but I cannot

1        imagine any circumstance where impacting an oak  
2        tree at 70 miles an hour or a head-on collision  
3        at 45 miles per hour per vehicle would not be a  
4        situation where you did not want the deployment  
5        of the airbag.

6                    I can't think of a single reason  
7        why the airbag deploying would add to the  
8        lethality of that accident sequence.

9                    MR. FRIEDMAN:    Congressman, I  
10       completely understand why -- why you -- why you  
11       feel that, why you have the impression.

12                   In the case of the 2005 crash,  
13       and in general with these airbags, if you have  
14       an unbelted occupant and a small strike first,  
15       the risk at play here is that the occupant may  
16       be moving forward during that crash.

17                   If you are moving forward during  
18       that crash and the airbag is opening, yes, it  
19       actually could cause more harm than good.

20                   When the airbag system is trying  
21       to decide whether or not to open --

22                   DR. BURGESS:    It couldn't have caused

1 any more harm that night. I would just suggest  
2 that first impact was with a five-inch pine  
3 tree, and although the pine tree yielded to the  
4 Cobalt, it was still a pretty significant  
5 impact when that happened.

6 Thank you, Mr. Chairman. I will  
7 yield back.

8 CHAIRMAN MURPHY: Gentleman's time has  
9 expired.

10 Now recognize Mr. Barton for five  
11 minutes.

12 MR. BARTON: Thank you, and I want to  
13 apologize to the other members that are still  
14 here. I have been watching the hearing as I've  
15 been doing meetings, but I apologize for not  
16 being here physically to go ahead of some of  
17 you folks, and having said that, I'm going to  
18 go ahead.

19 I have listened to most of what  
20 you have said today on the television, and I  
21 think it's obvious that GM has some -- some  
22 real questions that they have not done a very

1 good job of answering today, but I also think  
2 as the federal regulator on the block, there  
3 are some -- some valid questions for your  
4 agency to answer.

5 My first question is at what  
6 level of accidents or deaths or incidents of  
7 malfunction triggers more than normal NHTSA  
8 review? Not necessarily a full fledged  
9 investigation, but in this case we in hindsight  
10 have got 13 deaths that we feel are  
11 attributable to this ignition problem over a  
12 ten-year period. I don't know how many  
13 accidents, how many injuries, but, you know,  
14 when would NHTSA really start looking at  
15 something and say, you know, there is an  
16 anomaly here, we need to check it out?

17 MR. FRIEDMAN: Congressman, first, I  
18 appreciate your question and, you know, part of  
19 where you started with this is that there are  
20 important questions that NHTSA has to answer in  
21 addition to General Motors, and I think this is  
22 an incredibly important process, because we



1 have questions, you have questions, and what we  
2 need -- and what my focus is in addition to the  
3 recall is making sure NHTSA does everything we  
4 can to improve the way we deal with these  
5 cases.

6 When it comes to your question  
7 about is there a specific level, each case ends  
8 up being different.

9 Ideally what I would like to have  
10 happen is that we find any -- Well, first, that  
11 automakers find and fix these -- these defects  
12 right away.

13 If they don't, ideally I want to  
14 find and fix these defects before any lives are  
15 lost.

16 MR. BARTON: But there is some  
17 internal reporting system or monitoring system,  
18 and like if a specific model started showing up  
19 a hundred accidents a month that were  
20 unexplainable, that would be a big enough blip  
21 that somebody at NHTSA would say well, what's  
22 going on there.

1 I mean, if you had a steering  
2 problem, if you had a brake problem, if you had  
3 a gasoline tank problem that kept exploding  
4 over and over again, not once every decade, you  
5 know, but enough that you could see in your  
6 reporting, somebody at NHTSA would say, hey, we  
7 need to check that out.

8 Now, I am told at the staff level  
9 there were some internal NHTSA employees and --  
10 employees at NHTSA said -- you know, before GM  
11 admitted there was a problem, there were some  
12 NHTSA mid-level people that said we need to  
13 look at it and a decision was made within NHTSA  
14 that it wasn't at a level that was worthy of  
15 further investigation. Is that true?

16 MR. FRIEDMAN: Congressman, we have a  
17 process to do exactly what you just said. We  
18 have people who are reading every single one of  
19 the more than 45,000 complaints that come in.  
20 We have a team dedicated to that. We have a  
21 team dedicated to looking at all the early  
22 warning data that comes in.

1                   In this case red flags were  
2       raised, concerns were raised, and it was posed  
3       because of that exact process, the exact  
4       process you are talking about that we do have,  
5       concerns were raised and this was brought to a  
6       panel.

7                   The job of that panel is to  
8       consider all of the evidence, the initial  
9       evidence as well as a more detailed look at the  
10      data, whether or not there is a clear trend,  
11      whether or not there is enough information to  
12      have concern over a specific defect. The panel  
13      did that in this case.

14                  What I'm learning, what I'm  
15      seeing from all this, is that we need to  
16      reconsider and look at how do we deal with  
17      cases where there may be something that's  
18      considered a remote explanation, should we  
19      change the way we follow up on it, should we  
20      change the way we follow up on that with the  
21      car company. These are things that I think  
22      we're learning.

1 MR. BARTON: My time is just about  
2 done. I want to make one general comment and  
3 then one final question.

4 Now, we pointed out to the GM  
5 executive that was here that their part didn't  
6 meet their own specifications, and it didn't  
7 just almost not meet them, it didn't meet them  
8 by a long way. I mean, like a third -- it was  
9 like two-thirds off. It was way blow, not just  
10 a little bit.

11 That's not NHTSA's problem and  
12 you're not expected -- the NHTSA people aren't  
13 expected to know things at that level, but on a  
14 general point that Dr. Burgess was asking  
15 about, you know, when the airbag doesn't deploy  
16 when it runs into a tree at 40 or 50 miles an  
17 hour and the general response from NHTSA is  
18 that we didn't know how that particular airbag  
19 system was supposed to work, I don't think  
20 that's a very good answer.

21 MR. FRIEDMAN: Congress --

22 MR. BARTON: Isn't NHTSA supposed to

1 know how the airbag systems work and, if  
2 they're not, if NHTSA doesn't know, aren't you  
3 in your agency supposed to find out?

4 MR. FRIEDMAN: Congressman, the  
5 circumstances of these crashes were much more  
6 complicated than that.

7 We applied expertise. We applied  
8 our understanding. We applied a process that  
9 has worked to generate over 1,299 recalls over  
10 the last decade.

11 Are there improvements that we  
12 need to make to that process based on what we  
13 have learned today? Yes, absolutely.

14 MR. BARTON: Okay.

15 MR. FRIEDMAN: And I am committed to  
16 making sure that that happens, but these -- I  
17 wish these crashes were as simple as they  
18 appear to be.

19 I wish the connection was as --  
20 as direct as we now know it is. At the time  
21 and with the information we had --

22 MR. BARTON: Hindsight is always

1 easier than current sight.

2 MR. FRIEDMAN: As you said before,  
3 hindsight is 20/20, and I dearly wish we had it  
4 then.

5 MR. BARTON: Thank you, Mr. Chairman.

6 CHAIRMAN MURPHY: Gentleman yields  
7 back.

8 Now recognize Mr. Griffith of  
9 Virginia for five minutes.

10 MR. GRIFFITH: Thank you very much. I  
11 appreciate it.

12 I would ask -- Appreciate you  
13 being here and I would ask several questions  
14 following up, you know, on why didn't NHTSA  
15 know, and it is true that hindsight is 20/20,  
16 but it appears that some of your folks were at  
17 least sending up warning signals.

18 I am looking at what I believe is  
19 Tab 18 and the DAD, which is the Defects  
20 Assessment Division -- and I know you know  
21 that, but not everyone watching on TV knows  
22 that and so I wanted to make sure they know

1 because I had to look it up -- sent out and  
2 said -- in one of their e-mails in 2007 said  
3 notwithstanding GM's indications that they see  
4 no specific problem pattern, DAD perceives a  
5 pattern of non-deployments in these vehicles  
6 that does not exist in their peers and that  
7 their circumstances are such that in our  
8 engineering judgment merited a deployment and  
9 that such deployment would have reduced injury  
10 level or saved lives.

11 When you combine that flag with  
12 the flag I think you have mentioned earlier in  
13 your testimony that you were getting a number,  
14 if I remember correctly, it was about 200 and  
15 some complaints on this particular Cobalt  
16 vehicle that they were stalling out in the road  
17 or the engine was cutting off, and you start  
18 adding those together, along with the fact that  
19 I believe you all knew that there were at least  
20 I think it was three where the airbag didn't  
21 deploy and the ignition was in the accessory  
22 mode, it would seem that somebody ought to have

1 started an investigation that those  
2 coincidences might have been more than  
3 coincidences, and I would ask -- I know you're  
4 trying to do things better, but apparently the  
5 person who put all this together was an  
6 investigator for a one-man law firm, he did  
7 have somebody of-counsel, but basically you've  
8 got a one-man law firm with an engineering  
9 investigator who figures all this out.

10 So I would say to you, you know,  
11 what can you do better and have you called on  
12 that investigator to maybe come in and train  
13 some of your folks to look at some of these  
14 coincidences, because when you start seeing a  
15 series of negative things happen, that might be  
16 where you ought to be looking.

17 MR. FRIEDMAN: Congressman, our team  
18 was looking at this issue. The Defects  
19 Assessment Division was doing exactly their  
20 job. We have a system and it is designed to  
21 raise those red flags.

22 About half of the time the



1 recommendations of those Defects Assessment  
2 Division end up moving on to investigations.

3 This -- what I see in this case  
4 is one of the things I mentioned before, which  
5 is one of the things we need to look at is how  
6 do we make connections between remote defect  
7 possibilities.

8 In this case you had one theory  
9 that was put forth, which was that the  
10 accessory -- the key being in the accessory  
11 position could have caused airbag  
12 non-deployments.

13 In the crashes that we looked at,  
14 the circumstances of those crashes led the  
15 investigators to believe that it was more --  
16 much more likely that the airbags didn't go off  
17 because of the circumstances of that crash.

18 I understand, completely  
19 understand, why it looks like --

20 MR. GRIFFITH: Well, but let me --

21 MR. FRIEDMAN: -- it should have been  
22 clear, but it's clear now in part because we

1 have that clear connection from General Motors.

2 MR. GRIFFITH: Well, but let me -- let  
3 me raise this concern. This memo indicates  
4 there is a reliance, and implying this from the  
5 wording, notwithstanding GM's indication that  
6 they see no specific pattern problem, it  
7 shows -- that statement shows a reliance on GM.

8 Likewise in your testimony you  
9 state that this understanding was verified --  
10 talking about the power loss situation -- this  
11 understanding was verified by GM service  
12 literature during our due diligence effort.

13 Now, if you've got a company  
14 that's got a car that's not functioning the way  
15 it's supposed to, I would like to think that  
16 with 51 employees versus that one-man law firm  
17 out of Georgia that you would look at something  
18 other than the service literature and not  
19 necessarily rely on GM indications that they  
20 see no specific pattern or problem pattern.

21 So I'm concerned that there may  
22 have been too much reliance on information from

1 GM, including their service -- make sure I get  
2 the wording right -- their service literature  
3 and what they saw as problem patterns when I  
4 think, in fact, you all are supposed to be  
5 finding the problem patterns.

6 Now, I understand it's easy in  
7 hindsight sitting up here to say that, but  
8 these are warning signs that go off to me as a  
9 legislator that maybe you all need to take a  
10 look at that and, you know, when you see  
11 problems maybe the service literature of the  
12 company that you're looking at is not the best  
13 place to get your information.

14 MR. FRIEDMAN: Congressman, just to be  
15 clear, we did not rely on General Motors when  
16 it came to defects, whether or not there was a  
17 defect trend.

18 We did our own analysis of the  
19 data and our own analysis indicated that the  
20 Cobalt didn't stand out.

21 I also wonder if I haven't been  
22 clear enough relative to that service bulletin.

1 We did not rely on that service bulletin at the  
2 time, we did not rely on that information from  
3 General Motors.

4 We relied on our experts'  
5 understanding of airbag systems.

6 MR. GRIFFITH: But their understanding  
7 of the airbag system in the Cobalt was based on  
8 the service literature for the Cobalt according  
9 to your written testimony.

10 MR. FRIEDMAN: Well --

11 MR. GRIFFITH: Am I not correct? Is  
12 that not what you said?

13 MR. FRIEDMAN: My testimony sounds  
14 like it was not clear enough.

15 What happened was once we found  
16 out about this defect, we looked into the  
17 service literature to confirm our understanding  
18 at the time and the service literature that we  
19 looked at this year for that vehicle confirmed  
20 our understanding at the time --

21 MR. GRIFFITH: But your --

22 MR. FRIEDMAN: -- which was that --

1 MR. GRIFFITH: Your understanding at  
2 the time and the service literature were both  
3 wrong isn't that correct? Yes or no.

4 MR. FRIEDMAN: Yes, that's correct.

5 MR. GRIFFITH: Thank you. I yield  
6 back.

7 CHAIRMAN MURPHY: Gentleman yields  
8 back.

9 Now recognize Mr. Long for five  
10 minutes.

11 MR. LONG: Thank you, Mr. Chairman. I  
12 want to thank the chairman, the ranking member,  
13 and all of the members on both sides that have  
14 been here today.

15 We originally weren't scheduled  
16 to be in this soon and so a lot of us had to  
17 change our travel plans to get in today, and a  
18 lot of us have been sitting here through the  
19 entire both hearings today because it is a  
20 very, very important issue of course that we're  
21 discussing, and thank you, Mr. Friedman, for  
22 being here with us today with your testimony.

1                   You know, when I think of NHTSA,  
2           I think of Number 66 for the Green Bay Packers,  
3           linebacker, Ray Nitschke, and all day we've  
4           been talking about NHTSA, NHTSA.

5                   Tell me what NHTSA is.

6                   MR. FRIEDMAN: NHTSA is the National  
7           Highway Traffic Safety Administration. It's an  
8           organization of nearly 600 people whose mission  
9           it is to save lives and reduce injuries by  
10          addressing issues like drunk driving, unbelted  
11          occupants, vehicle safety, and the subject  
12          we're talking about today, which is finding  
13          vehicle defects when automakers don't find them  
14          themselves, which is their first and foremost  
15          responsibility.

16                  MR. LONG: I just wanted to get that  
17          out there on the record.

18                   I, of course, know what it is,  
19          but I think a lot of people when they hear  
20          that, NHTSA, all day, are thinking what exactly  
21          is this.

22                   So the next question I would have

1 would be do you have any way to track consumer  
2 complaints to auto dealers short of waiting for  
3 them to reach out to you, not the dealers, but  
4 the consumers that are having a problem?

5 Do you have any way to track  
6 people coming in and my car stopped, it died,  
7 it did this, it did that?

8 Do you have any way to track that  
9 or do you have to wait for someone to contact  
10 you all?

11 MR. FRIEDMAN: We have early warning  
12 data which tracks the cases where warranty  
13 service is provided on vehicles.

14 MR. LONG: So any time a warranty  
15 service provided, you would be notified of  
16 that?

17 MR. FRIEDMAN: We are notified of a  
18 count. We have -- we have a total number -- a  
19 count of the number of those and the part that  
20 that's associated with.

21 MR. LONG: And how often --

22 MR. FRIEDMAN: The reason for the

1 complaint.

2 MR. LONG: Do you get that annually,  
3 semi-annually, quarterly? How --

4 MR. FRIEDMAN: Once a quarter.

5 MR. LONG: Once a quarter. Okay.

6 MR. FRIEDMAN: The information is  
7 required once a quarter.

8 MR. LONG: How would a -- What kind of  
9 marketing do you do? How would a consumer  
10 know, learn about, the National Highway Traffic  
11 Safety Administration? What kind of marketing  
12 do you do?

13 If I took my car in, had a  
14 problem, it wouldn't pop into my head to call  
15 you, so how do you market yourself?

16 How can we let the American  
17 public know if they do have an issue and  
18 they're not satisfied with their dealer, how  
19 can they contact you or what can we do to  
20 better augment that I guess?

21 MR. FRIEDMAN: Well, some of the  
22 things that we're already looking at doing, and



1 we are already making sure that happens, is on  
2 every single recall letter that goes out, both  
3 NHTSA's name is on that letter, even though  
4 it's sent from the automaker and it's in clear  
5 red letters that this is an important safety  
6 recall information.

7 We also have apps that are  
8 available online that we try to make sure that  
9 consumers download. These apps allow people to  
10 lodge complaints directly to us, they allow  
11 them to track their recalls.

12 We also moving forward later on  
13 this year with a tool that will allow all  
14 consumers to come to our website, put in their  
15 VIN number to find out if there is a recall  
16 associated with their very specific vehicle  
17 that has yet to be addressed.

18 We have additional efforts where  
19 we try to make sure that people are aware of  
20 who NHTSA is, but, yes, I've seen the same  
21 data, and one of the things that I have talked  
22 to my staff about is that we are not at the top

1 of the list when people have complaints, and we  
2 have been talking about ways that we make sure  
3 that we have campaigns to make people aware  
4 that if you've got a complaint, if you've got a  
5 concern, come to NHTSA, and we need that  
6 information.

7 Consumer complaint data is one of  
8 the vital tools that we have to try to find  
9 these defects, and I would appreciate any help  
10 anyone can provide to make sure that people are  
11 aware, that people go to [safercar.gov](http://safercar.gov) to report  
12 these defects. Any help --

13 MR. LONG: Or tomorrow you're going to  
14 be able to see on there that you can take your  
15 car in there and get a free loaner or a free  
16 rental, right?

17 MR. FRIEDMAN: Absolutely.

18 MR. LONG: Very good. My last  
19 question, at what point is a consumer supposed  
20 to reach out to you?

21 MR. FRIEDMAN: At any point they have  
22 a concern. I mean, you know, when --

1 MR. LONG: At what point is that,  
2 though? If I -- if I get a -- go home this  
3 evening, in the mail I get a recall on my  
4 vehicle, and they want me to bring it in and  
5 fix this switch or that do-dob there, whatever,  
6 do I run to the phone and call you and say hey,  
7 I've got a recall, or do I wait until I am not  
8 satisfied with the dealer, or at what point do  
9 consumers -- should consumers reach out to you?

10 MR. FRIEDMAN: Well, in that case, if  
11 you've got a recall letter, the first thing you  
12 should do without a doubt is contact your  
13 dealer and get your vehicle fixed as soon as  
14 possible. These are --

15 MR. LONG: Yes, but I'm talking about  
16 contacting you. At what point do I -- if it's  
17 just a standard thing, I don't need to contact  
18 you on that?

19 MR. FRIEDMAN: Well, if it's a  
20 standard recall and you are concerned and you  
21 want to reach out to us, absolutely, but  
22 typically when we want people to contact us is

1 well before there's a recall.

2 We rely on and look at over  
3 45,000 consumer complaints every single year to  
4 try to spot these trends, so I want someone to  
5 reach out to NHTSA the instant they have a  
6 serious concern about their vehicle, and they  
7 feel -- their safety is at risk so we can have  
8 that information.

9 Right now we've got 45,000  
10 complaints; I'd like to see that number get up  
11 to 50, 60, 75,000 complaints relative to safety  
12 issues so that we can have more information to  
13 be able to track down these problems.

14 MR. LONG: Okay. Mr. Chairman, I  
15 don't have any time left, but if I did, I'd  
16 sure yield back.

17 CHAIRMAN MURPHY: Thank you,  
18 gentleman.

19 The gentleman from Nebraska,  
20 Mr. Terry --

21 MR. TERRY: Thank you --

22 CHAIRMAN MURPHY: -- for five minutes.

1 MR. TERRY: -- acting chair.

2 You had testified, Mr. Friedman,  
3 or in your testimony you showed -- or testified  
4 that there were two SCI reports that showed  
5 indications of power loss and identified the  
6 vehicle power mode as accessory, and I think  
7 one of these has been highlighted in several  
8 newspaper articles that the SCI noted during  
9 airbag investigation a problem with the  
10 accessory, so the question I have is did these  
11 reports merely report the vehicle power mode as  
12 a fact or did it report this -- and identify it  
13 as a potential contributing factor?

14 MR. FRIEDMAN: Well, the two reports  
15 handled the case differently.

16 My understanding and my memory is  
17 that in one of the reports it simply had an  
18 entry in the EDR data, in the event data  
19 recorder data that indicated that the vehicle  
20 power mode is accessory. That's typically not  
21 reported.

22 In another case, in the other

1 case, it was included in the special crash  
2 investigation that there were two possible  
3 reasons why the airbags did not deploy.

4 One possible reason was because  
5 of the ignition switch; the other possible  
6 reason was the yielding nature of the trees  
7 wasn't sufficient --

8 MR. TERRY: You mean they're hard when  
9 they're hit?

10 MR. FRIEDMAN: I'm sorry?

11 MR. TERRY: I'm being sarcastic. You  
12 said the yielding nature of the trees --

13 MR. FRIEDMAN: I'm sorry. I'm  
14 using --

15 MR. TERRY: They're hard. They're  
16 hard when objects hit them and --

17 MR. FRIEDMAN: Well, different trees  
18 have different sizes. In this case --

19 MR. TERRY: Well, anyway, I don't want  
20 to get bogged down into the force of the  
21 impact --

22 MR. FRIEDMAN: But the --

1 MR. TERRY: -- of the tree, but the  
2 point is they were noted in SCI reports, but  
3 not acted upon.

4 So what is the communication  
5 process between the SCI and the ODI? Someone's  
6 got to take that up and say gees, there is a  
7 problem with an ignition switch that's been  
8 noted, maybe we should follow up on that.

9 What's the process?

10 MR. FRIEDMAN: So the process -- it  
11 depends on the circumstance. In some cases our  
12 Office of Defects Investigation will actually  
13 ask the special crash investigators to go out  
14 and look at a crash so that they can seek new  
15 information.

16 In other cases when the special  
17 crash investigators follow up on a crash, they  
18 will bring it to the attention of the Office of  
19 Defects Investigation so we try to make sure  
20 that both teams are talking to each other and  
21 sharing critical information.

22 MR. TERRY: Okay. So in these two SCI

1 reports that were filed, did the SCI -- did the  
2 special crash investigator communicate that  
3 there is a problem other than noting it in  
4 those reports on those two occasions to the  
5 ODI?

6 MR. FRIEDMAN: I don't know if SCI  
7 specifically communicated the accessory issue,  
8 but when the team did look at -- especially the  
9 investigation that indicated there were two  
10 possible reasons for that --

11 MR. TERRY: Yeah. So the ODI knew  
12 that there may have been -- that the switch may  
13 have been part of the problem, let's say.

14 MR. FRIEDMAN: ODI would have been  
15 aware of exactly --

16 MR. TERRY: So ODI was aware.

17 MR. FRIEDMAN: They -- I believe so,  
18 because my understanding is --

19 MR. TERRY: Because it looks like you  
20 have one group of people that's not talking to  
21 another group of people.

22 MR. FRIEDMAN: Our teams do talk to



1 each other, but as you will notice in my  
2 testimony, one of the things that I do think we  
3 need to discuss is are there ways that we can  
4 change the way these crash investigations are  
5 used in our defects process.

6 MR. TERRY: Okay.

7 MR. FRIEDMAN: But in this case I do  
8 want to note that the draft version of this  
9 report that the team had at the time at that  
10 moment indicated that the crash investigators  
11 thought the more likely reason the airbags did  
12 not go off was because of the circumstances of  
13 the crash.

14 MR. TERRY: I would think if you note  
15 there is a problem with the -- with the switch  
16 turning automatically to accessory, that would  
17 be significant enough to just follow up on,  
18 whether or not it was deemed to be a  
19 contributing factor or the sole factor.

20 I need to ask, though, on the  
21 ER -- EW -- the early warning reports, you  
22 received early warning the reports from GM,

1 correct?

2 MR. FRIEDMAN: That's correct.

3 MR. TERRY: Okay. In my question to  
4 the chair -- I'm sorry. The president of GM,  
5 she said that they were submitting those.

6 Were they required when they know  
7 or feel that there is a problem with a specific  
8 item in that car, like the ignition switch, to  
9 report that, or is that just one of the many  
10 items to be submitted within the EWR?

11 MR. FRIEDMAN: Well, my understanding  
12 is that if they are aware of a problem that  
13 relates to a safety defect, that that actually  
14 is not reported within the EWR. That needs to  
15 be directly report to us.

16 MR. TERRY: They have to report --  
17 under the TREAD Act they have to report that  
18 separately.

19 MR. FRIEDMAN: Well, under the TREAD  
20 Act they are required to report warranty claims  
21 and a variety of other pieces of information to  
22 us, but if they saw a defect, then they needed

1 to report that to us completely separate  
2 from -- from -- you know, that's simply their  
3 requirement of the law --

4 MR. TERRY: What's non-compliance --

5 MR. FRIEDMAN: -- as to why we have an  
6 investigation.

7 MR. TERRY: I'm over my time, but I do  
8 need to get on the record what is  
9 "non-compliance" versus "defect".

10 MR. FRIEDMAN: So these are two  
11 different --

12 MR. TERRY: And you have two seconds.

13 MR. FRIEDMAN: Sure. Really quickly.

14 Non-compliance means that you did  
15 not meet the standards that we have.

16 A safety defect means you may  
17 have met the standards, but there is something  
18 wrong with the vehicle that poses an  
19 unreasonable risk to safety.

20 MR. TERRY: All right. Thank you.

21 CHAIRMAN MURPHY: I thank the  
22 gentleman.

1 I would ask for unanimous consent  
2 that the members' written opening statements  
3 introduced into the record.

4 Without objection, the documents  
5 will be entered into the record.

6 (No response.)

7 CHAIRMAN MURPHY: Hearing none.

8 I also ask unanimous consent that  
9 the consents of the documents binder be  
10 introduced into the record and to authorize  
11 staff to make appropriate redaction.

12 Without objection, the documents  
13 will be entered into the record with any  
14 redactions that staff determines are  
15 appropriate.

16 (No response.)

17 CHAIRMAN MURPHY: Hearing no  
18 objections.

19 In conclusion, I would like to  
20 thank all of the witnesses. Thank you,  
21 Mr. Friedman, and members that participated in  
22 today's hearing.

1 I remind members that they have  
2 ten business days to submit questions for the  
3 record, and I ask that the witnesses all agree  
4 to respond promptly to the questions.

5 Anything else?

6 UNIDENTIFIED MEMBER: No.

7 CHAIRMAN MURPHY: Thank you very much,  
8 and this hearing is adjourned.

9 MR. FRIEDMAN: Thank you.

10 (Which were all the  
11 proceedings on the  
12 videotaped recording.)  
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 ) SS.  
2 COUNTY OF LASALLE )

3 I, Christine M. Vitosh, a  
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<b>A</b>	270:21 272:10	146:21 147:2	<b>adjourned</b>	150:5,8 189:19
<b>ability</b> 11:7	272:10 284:6	147:14 209:20	292:8	201:13 203:10
58:17 183:22	284:10,20	286:3	<b>adjusted</b> 146:20	203:16 206:17
189:13 191:22	287:7 288:16	<b>acting</b> 3:9 19:16	<b>adler</b> 175:4	208:19 227:2
192:18,22	<b>accident</b> 91:3	126:22 146:22	<b>administer</b>	229:10 240:13
257:5	96:14,18 99:17	147:15 193:22	182:19,22	242:6 248:18
<b>able</b> 56:5 105:20	100:8 108:17	208:15,18	183:12	248:21 249:10
133:9 146:17	110:20 112:5	226:6 284:1	<b>administration</b>	249:20 252:8
203:5 208:12	133:7,8 135:11	<b>action</b> 7:5 24:20	5:14 10:14	253:22 256:4
209:13,17	199:20 257:13	44:3 48:13	23:22 27:3	263:4 268:3
213:18 214:6	259:5,20 261:8	62:13 94:22	95:8 127:1	<b>agencys</b> 204:18
215:1 216:17	<b>accidentally</b>	96:3 98:17	153:4 156:8,22	205:2
224:14 254:7	251:6	106:13 136:13	163:12 186:5	<b>aggregate</b>
257:5,6 281:14	<b>accidents</b> 99:1	167:1 169:18	248:18 249:7	251:10,15
283:13	101:20 102:4	181:3 184:4	250:6,13 256:5	<b>aggressive</b>
<b>absolutely</b> 185:5	104:7 110:4	244:10,13,17	277:7 279:11	148:12
195:16 196:1	111:9,13 171:8	244:18	<b>administrator</b>	<b>aggressively</b>
209:5 233:14	258:10 263:6	<b>actions</b> 31:22	3:9 126:22	144:20
268:13 281:17	263:13 264:19	161:11 173:21	186:6 193:22	<b>ago</b> 11:3 19:7
282:21	<b>account</b> 91:8	189:12	226:6 231:18	30:17 47:10
<b>abuse</b> 21:22	<b>accountable</b>	<b>actual</b> 122:7	248:11	68:1 88:12
<b>accelerating</b>	32:11 106:19	123:17	<b>admitted</b> 265:11	93:21 94:4,5
151:11 152:9	126:1 138:3,5	<b>add</b> 243:9	<b>advance</b> 123:7	106:18 111:5
<b>acceleration</b>	189:7 209:1,22	259:13 261:7	229:12	146:22 147:14
23:18	235:5	<b>added</b> 92:15	<b>advanced</b>	153:13 171:12
<b>accept</b> 7:11	<b>accounting</b>	117:11 195:6	191:21	175:13 193:22
38:15 82:16,18	74:10	<b>adding</b> 92:4	<b>advantage</b> 84:18	217:16
83:19,22 104:6	<b>accuracy</b> 293:16	117:19 270:18	85:2	<b>agree</b> 87:18
140:12	<b>accurate</b> 74:10	<b>addition</b> 89:11	<b>advised</b> 29:8,9	91:20 133:20
<b>acceptable</b> 4:21	<b>accusations</b>	223:6 249:22	48:12 49:17	134:2 147:22
14:16 39:16,19	245:1	263:21 264:2	186:21 187:1	197:1 219:15
40:1,7 48:14	<b>acknowledge</b>	<b>additional</b> 34:8	<b>advises</b> 29:6	219:18 225:16
74:1 85:19	24:14 37:8	58:16 117:11	186:19	226:6 257:9
92:3 135:5,15	135:18	140:1 216:18	<b>advising</b> 15:6	260:4 292:3
135:17,19	<b>acknowledged</b>	223:3 228:10	<b>affect</b> 43:1	<b>agreed</b> 81:6
165:1 166:14	24:9 109:11	231:6 243:4	138:21	149:16 150:11
166:18 168:3	130:15	280:18	<b>afloat</b> 139:21	150:17
173:7	<b>acknowledges</b>	<b>address</b> 38:10	<b>aforesaid</b>	<b>agreement</b>
<b>accepting</b> 38:22	19:11	112:14 127:8	293:11	150:12
138:8	<b>act</b> 18:18 19:3	189:4,13	<b>afternoon</b> 21:13	<b>ahead</b> 82:9
<b>access</b> 27:4 58:6	27:7 52:15	192:11 245:5	53:13 93:18	162:7 262:16
74:5 95:9	154:21 178:5,5	<b>addressed</b>	255:19	262:18
108:18 182:11	193:1 211:15	171:12 245:6	<b>ag</b> 253:18	<b>airbag</b> 5:17 6:13
<b>accessory</b> 5:9	222:1,6 228:9	280:17	<b>age</b> 87:9,10,15	42:19 97:1,3
8:9 77:4	289:17,20	<b>addressing</b>	170:16,18,20	97:20 98:2,5
110:13 175:8	<b>acted</b> 31:9 69:14	188:14 277:10	<b>agency</b> 5:20	99:8,11,17
190:12 249:3	144:19 145:4	<b>adequate</b> 65:14	18:10 26:19	100:6 110:7



156:9 157:4 189:19,21 190:3 191:15 193:4 196:4,20 197:9 198:18 199:15,19,22 200:20 203:4 203:11,16 204:9,12 205:17 207:19 211:22 213:11 216:12,15 220:10 225:11 232:12 234:12 238:15 245:16 245:19 248:22 251:19,21 252:20 256:6,9 256:19 257:17 258:5,8,13,15 258:17 259:2 261:5,7,18,20 267:15,18 268:1 270:20 272:11 275:5,7 284:9 <b>airbags</b> 6:1,5,14 7:1,22 8:9 20:13,17 43:2 59:6 99:7,22 110:4 111:8 112:1 137:18 190:11,15,18 192:7 193:8 196:16,21 197:2,11 200:4 200:13 203:18 204:4,5 205:8 205:9 206:11 207:13 210:18 222:17 229:13 241:8 249:3,12 259:17 260:6,8 260:10,10,16 261:13 272:16 285:3 288:11 <b>aircraft</b> 82:4	<b>akerson</b> 70:11 <b>akersons</b> 70:19 <b>alan</b> 175:4 <b>alerted</b> 24:1 <b>algorithm</b> 216:11 245:19 <b>algorithms</b> 207:12,16 <b>allegation</b> 150:2 <b>allegations</b> 148:5 <b>allen</b> 170:20 <b>allow</b> 185:19 280:9,10,13 <b>allowable</b> 39:1 <b>allowances</b> 34:8 <b>allowed</b> 34:7 <b>alternative</b> 173:2 <b>america</b> 1:1 <b>american</b> 22:9 75:13 80:16,19 81:1 85:19 226:14 279:16 <b>americans</b> 18:7 <b>americas</b> 151:5 <b>amount</b> 115:15 150:1 211:1 258:3 <b>analogy</b> 152:18 <b>analysis</b> 14:3 25:5 63:9 66:3 66:7 69:9 83:2 111:18 160:5 160:21 166:16 176:4 198:17 221:20 239:7 274:18,19 <b>analyzed</b> 213:8 <b>anne</b> 2:7 <b>annexed</b> 293:13 <b>announce</b> 36:8 65:8 <b>announced</b> 26:11 30:20 58:13 183:21 <b>announcing</b>	88:5 <b>annually</b> 279:2 <b>anomaly</b> 263:16 <b>answer</b> 37:5 42:5,12 75:22 85:19 86:16 95:2 100:15 120:19 127:13 137:6,21 145:12 147:20 153:11 155:17 169:16,17 208:21 217:6 220:5 247:3 252:16 263:4 263:20 267:20 <b>answered</b> 83:11 <b>answering</b> 87:6 98:22 194:5 263:1 <b>answers</b> 21:9 23:4 31:4 68:19 75:21 102:12 109:16 121:16 124:22 129:5 144:12 152:5 153:1 158:1,2 236:15 237:1 <b>anticipating</b> 119:7 <b>anton</b> 31:21 41:21 124:21 <b>anxiously</b> 71:3 <b>anybody</b> 53:5 139:11 199:14 199:20 200:1 <b>anyway</b> 13:6 82:9 171:20 285:19 <b>apologies</b> 31:16 <b>apologize</b> 41:13 104:11 205:4 243:11 250:15 262:13,15 <b>apologized</b> 98:9 <b>apology</b> 101:17	<b>apparently</b> 84:22 97:12 271:4 <b>appear</b> 13:14 81:5 192:12 216:10 245:18 268:18 <b>appeared</b> 174:14 <b>appearing</b> 115:1 234:2 <b>appears</b> 26:22 58:4 80:17 165:10 225:19 269:16 <b>applied</b> 268:7,7 268:8 <b>applies</b> 180:13 293:13 <b>appointed</b> 105:14 182:18 182:21 <b>appreciate</b> 30:15 79:9 121:4 129:4,21 132:14 137:5 141:1,21 157:14 166:17 177:21 193:16 208:8 244:19 263:18 269:11 269:12 281:9 <b>appreciated</b> 107:15 <b>approach</b> 80:15 152:16 192:13 193:11 212:20 <b>appropriate</b> 24:20 37:3 53:17 102:18 107:7 119:16 119:19 120:5 120:14,18 136:13 140:20 174:1 181:1,3 291:11,15 <b>appropriately</b>	10:10 87:5 <b>approval</b> 13:13 77:10 <b>approve</b> 79:1 124:11 <b>approved</b> 13:6 16:5 60:11,16 61:4,16 76:19 77:8,15 106:3 122:8 172:2 174:12 250:9 <b>approving</b> 78:21 123:22 <b>approximately</b> 76:5 <b>apps</b> 280:7,9 <b>april</b> 1:11,15 52:1 66:19 77:17 123:15 209:11 215:18 294:2 <b>architecture</b> 94:17 <b>area</b> 58:11 78:3 132:18 <b>areas</b> 58:20 <b>arent</b> 140:7 267:12 268:2 <b>argue</b> 233:11 <b>arose</b> 215:19 <b>article</b> 90:15,19 90:20 91:14 92:15 176:21 <b>articles</b> 284:8 <b>aside</b> 124:5 125:7 <b>asked</b> 31:20 33:6 34:13 71:2 74:4,16 98:1,11 124:17 124:18 125:3 128:1 138:5 143:18,20 154:1 201:9,16 201:18 246:10 <b>asking</b> 40:21 44:22 93:10
--	---	---	---	---

123:3 125:1 147:8 153:14 180:4,6,12 201:4 202:3 267:14 <b>aspects</b> 39:8 <b>assembly</b> 12:7 82:3 95:21 <b>assert</b> 256:16 <b>assess</b> 39:6 102:17 183:15 <b>assessed</b> 63:2 <b>assessing</b> 64:7 <b>assessment</b> 5:20 65:12 110:8,9 141:12 196:3 196:12 212:3 240:12,20 241:18 242:3 242:22 269:20 271:19 272:1 <b>assign</b> 55:13 183:6 <b>assigned</b> 6:16 33:16 56:22 57:9 73:6 <b>assignment</b> 88:11 <b>assist</b> 217:13 <b>associated</b> 19:13 44:5 149:14 169:22 195:12 197:8,10 198:18 216:11 232:12 251:16 255:2 278:20 280:16 <b>assume</b> 145:12 161:20 233:18 238:22 293:15 <b>assuming</b> 69:2 183:6 <b>assumption</b> 68:8 81:6 150:16 <b>assumptions</b> 189:12 192:3 <b>assure</b> 21:10	32:9 66:18 69:11 <b>assuring</b> 114:3 <b>astonishingly</b> 16:4 <b>attacks</b> 183:1 <b>attendance</b> 171:3 <b>attention</b> 21:4,5 33:12 87:5 137:2 164:19 286:18 <b>attorney</b> 31:20 107:19 <b>attributable</b> 263:11 <b>auction</b> 154:10 <b>audience</b> 24:12 236:17 <b>augment</b> 279:20 <b>author</b> 91:20 174:18 <b>authorize</b> 291:10 <b>authorized</b> 168:19 <b>auto</b> 20:5,5,7 23:19 24:5 27:5,19 71:6,8 82:2 193:13 278:2 <b>automaker</b> 229:5 280:4 <b>automakers</b> 189:9 193:1 202:3,12,14 235:6 264:11 277:13 <b>automatic</b> 238:5 <b>automatically</b> 288:16 <b>automobile</b> 19:12 86:4 151:6 153:5 194:6 <b>automobiles</b> 260:1	<b>auxiliary</b> 137:18 <b>availability</b> 39:5 <b>available</b> 21:1 27:12 76:2 78:5 100:21 101:3 112:4 113:22 119:17 185:4 191:6 193:10 194:11 194:15 195:8 200:7 212:19 213:14 217:2 217:18 280:8 <b>average</b> 162:16 199:5 243:19 243:20 <b>avoid</b> 190:16 232:5 260:18 <b>avoided</b> 171:11 <b>awaiting</b> 71:3 <b>aware</b> 28:20 37:10 47:2 57:1,7 62:7 69:8 70:11,20 103:20,21 122:17,19 127:9,14,15,17 127:19 132:10 132:14 142:11 142:13 143:20 158:9 172:11 175:22 176:3 177:2 186:11 228:14,17 231:19 232:6,8 246:14 254:1 280:19 281:3 281:11 287:15 287:16 289:12	54:17 60:3,5 71:13 72:18,22 74:14 79:21 80:2,13 87:8 88:20 92:13 101:13 107:9 107:11 109:5 113:9 120:20 120:22 129:6 131:22 134:11 141:10,22 145:10 150:19 152:3 153:19 154:3,4 157:15 164:2,4 167:5 167:12 168:8 168:18 170:11 170:13 171:14 178:3 180:11 181:6,8 208:7 210:4,14 212:1 212:7 216:17 217:11 218:9 223:9 226:15 226:18 227:11 229:17 233:16 240:3,11 247:8 256:22 257:2 262:7 269:7 276:6,8 283:16 <b>bad</b> 14:11 16:9 26:13 161:17 <b>baffling</b> 175:11 <b>bailout</b> 71:6,9 139:19,20 <b>balance</b> 37:2 44:1 79:21 129:7 226:15 247:8 <b>ballpark</b> 146:20 <b>bankruptcy</b> 44:13 101:21 101:22 138:13 138:16 142:5 169:4,10 <b>bar</b> 130:10 <b>barra</b> 3:4 4:5	9:22 13:7 17:6 19:16 22:6 28:5,12,20 29:4,11,15,18 30:1,6,11,13 37:8,16 38:7 38:13,17 39:2 39:13,20 40:2 40:8,14 41:8 41:14,18 42:5 42:12 43:3,6,9 43:15 44:2,10 45:5,8,10,14 45:16 46:2,6 46:14,20 47:2 47:5,14,17 48:2,10,17,20 49:6,12,22 50:8,13,20 51:5,12,17,22 52:3,9,14 53:4 53:8,13 54:6 54:12,19 55:10 55:17,20 56:3 56:7,10,16 57:1,6,10,16 57:21 59:10 60:2,10,21 61:2,7,13,19 63:2,18 64:6 64:16,20 65:1 65:11 66:8,22 67:11,15,20,22 68:6,11 69:5 69:17,20 70:7 70:13,17 71:1 71:7,10,16,18 72:2,10,13,20 73:12,16,21 74:7 75:18 76:4,8,10,15 76:16,21,22 77:6,7,13,14 77:18,19 78:1 78:7,8,11,16 78:18 79:4,8,9 79:20 81:9,19
--	--	--	--	--

82:18 83:10,13	149:4,13,20	245:13 256:8	218:20 225:17	<b>bit</b> 68:15 101:16
83:21 84:7,9	150:7,15 151:2	268:12 275:7	229:22 230:3	115:12 162:14
84:14 85:11	155:6,11,17	<b>basic</b> 124:19	232:6,13,14	199:5 267:10
86:15 87:3	157:1,11	<b>basically</b> 214:5	239:18 243:2	<b>blackburn</b> 2:5
89:4,21 90:5	158:13 159:14	240:19 271:7	243:13 244:3	22:4,5 68:3,4
90:18 92:1,21	160:7 161:8,20	<b>basing</b> 205:13	245:11 246:10	68:12 69:15
93:19 94:2,6	162:2,4 163:1	205:14	251:20 252:10	70:4,8,14,21
94:13 95:2,13	163:15,20	<b>basis</b> 53:3,17	253:4,8,14	71:5,8,13,17
98:6 100:9	164:11 165:14	130:2	254:14,16,20	71:19 72:3,12
101:2 102:7,8	165:18,22	<b>bates</b> 196:13,19	254:22 269:18	72:17 73:3,15
103:4,13,21	166:5,9,13,20	<b>battery</b> 199:18	270:19 272:15	73:19 74:2,12
104:9,16,21	167:11,18,20	<b>batterys</b> 131:15	287:17	74:16 88:2
105:2 106:6,10	168:14,22	<b>bay</b> 277:2	<b>believed</b> 203:10	92:20
107:1 108:8	169:16 170:6,9	<b>bear</b> 115:20	203:17,17	<b>blame</b> 9:8
109:17,20,22	171:21 172:10	<b>beat</b> 180:10	231:1	<b>blazer</b> 129:19
110:6,11	172:14 173:10	<b>becoming</b> 186:3	<b>beset</b> 116:16	154:8,9
111:12 112:3,8	173:13 174:6	<b>began</b> 4:10	<b>best</b> 34:20 36:10	<b>bled</b> 259:1
112:17 113:3,8	175:20 176:3,8	37:19 38:8	61:19 80:19,20	<b>blip</b> 264:20
113:10,15	176:14,20	91:15 131:10	105:2 138:18	<b>block</b> 263:2
114:6,16,22	177:2 178:13	144:3 190:14	139:4,12 226:9	<b>blood</b> 259:1
116:21 119:8	178:17,21	<b>beginning</b> 40:5	226:11 257:4,5	<b>blow</b> 267:9
119:12,15,21	179:3,7,19	52:1 60:22	260:18 274:12	<b>blowing</b> 41:1,16
120:4,7,12,17	180:3,6,16,21	66:19 248:19	<b>bet</b> 217:10	<b>blue</b> 243:21
121:5 122:3,13	181:17,20	<b>begins</b> 31:15	<b>beth</b> 109:15	244:3
122:19,22	182:10,13	<b>begun</b> 103:4	<b>better</b> 36:2,3	<b>blues</b> 87:13,15
124:20 125:5,8	183:14,18	189:11	133:16 160:2	<b>board</b> 28:8 35:5
125:11,19	184:2,7,12	<b>behalf</b> 80:15	192:5 214:11	133:11 147:12
126:2,18	185:5,13,15	115:10 185:8	226:14 234:5	160:17
127:11,19	195:5 218:18	188:2	239:17 271:4	<b>bodies</b> 83:7
128:12 129:13	<b>bars</b> 243:14,17	<b>behave</b> 118:15	271:11 279:20	<b>bodily</b> 150:2
132:10 133:20	244:8,8	<b>behavior</b> 167:2	<b>big</b> 41:3 91:14	<b>body</b> 97:7,11
134:2,13,15,19	<b>barton</b> 2:4 80:3	<b>behaviors</b>	154:7,16,17	119:17 198:11
135:3,6,8,14	80:5 81:11	188:13	175:16 258:8	248:14,19
136:2,10,18,22	82:1 83:8,11	<b>believe</b> 17:7	259:2 264:20	258:4
137:3,12,20	83:14 84:2,18	24:18 66:8	<b>bill</b> 18:21 27:8	<b>bogged</b> 285:20
138:18 139:7	85:18 86:18	75:5 78:11	90:21	<b>bombing</b> 36:16
139:14 140:5	262:10,12	90:18 94:7	<b>billion</b> 169:8,9,9	<b>borrow</b> 8:15
140:18 141:8	264:16 267:1	97:20 99:3	<b>billy</b> 2:14	<b>boston</b> 36:15
141:17,20	267:22 268:14	106:6 110:8	<b>binder</b> 14:21	182:22
142:11 143:3,6	268:22 269:5	114:9 115:2	40:16 62:11	<b>bothers</b> 131:21
143:10,15,19	<b>base</b> 205:13	137:12 139:9	95:19 99:2	<b>bottom</b> 17:2
143:22 144:5	<b>based</b> 114:9	146:6 149:6	164:18 172:6	22:12 41:10
144:11,17	181:16 191:5	154:2 167:11	196:9 230:12	147:17 164:10
145:1,6,11,17	203:18 204:3	176:8 188:6	291:9	164:15 196:14
146:3,13 147:1	204:15 205:2	194:11 198:3	<b>bipartisan</b> 9:19	227:19
147:6,9,22	206:20 208:16	202:13 205:21	21:7 130:1	<b>bought</b> 91:4
148:8,11,15,21	216:4 239:7	207:22 210:22	<b>birthday</b> 108:16	154:6

<b>boxes</b> 211:10	<b>brushing</b> 25:13	<b>C</b>	194:22 201:18	163:17 165:1
<b>boyer</b> 58:13	<b>buick</b> 90:9	<b>c</b> 1:18	217:22 218:1,7	166:15 168:7
88:5	<b>build</b> 20:8 75:18	<b>cafe</b> 94:19	218:13 231:11	173:7 187:4
<b>boyers</b> 32:15	155:21	<b>cage</b> 97:12	231:16 233:1	188:17 189:12
<b>bp</b> 36:15 182:19	<b>built</b> 38:4	258:20	233:18 238:18	191:12 197:18
<b>brains</b> 35:17	<b>bulletin</b> 15:6,19	<b>california</b> 2:19	251:4,14 253:1	198:10 199:20
<b>brake</b> 265:2	25:3 49:14	<b>call</b> 33:17	253:18 254:1	201:3 213:16
<b>brakes</b> 38:2	109:4 112:11	128:17 218:3,4	255:8 257:17	215:10 219:4
110:19 232:19	230:10,14,18	218:11 242:19	266:21 273:14	229:22 231:8
<b>braley</b> 2:6 86:22	231:6,14 232:9	244:22 245:1	278:6 279:13	237:21 239:5
87:2 89:18	232:11 274:22	279:14 282:6	281:15 289:8	239:15 244:18
90:1,12,20	275:1	<b>called</b> 29:19	<b>care</b> 9:12,13,14	253:5,9 256:15
92:13 93:6	<b>bulletins</b> 112:19	70:3 122:6	<b>carefully</b> 213:22	256:17 257:1
98:21 100:19	113:4 231:20	153:2 154:9	230:2	261:12 263:9
101:4,12	<b>bump</b> 12:12	161:2 187:10	<b>carmen</b> 227:19	264:7 266:1,13
<b>brand</b> 17:6	41:17	242:11 271:11	<b>cars</b> 8:2 10:17	272:3,8 282:10
<b>breach</b> 135:12	<b>bumped</b> 12:20	<b>camp</b> 87:15	12:4 13:13	284:15,22
<b>break</b> 185:18	13:18	<b>campaigns</b>	15:12,20 16:8	285:1,18 288:7
<b>brief</b> 128:1	<b>bumping</b> 4:13	281:3	16:18 19:9,21	<b>cases</b> 175:5
<b>briefing</b> 61:21	175:7 231:4	<b>cancelled</b> 178:1	20:9,21 24:2,9	189:8 192:4
<b>briefly</b> 84:4	<b>bumps</b> 25:11	<b>cant</b> 42:12 89:4	25:10 26:5	198:9 202:5
<b>brilliant</b> 9:10	251:5	97:16,22	34:19 35:17	206:8 215:11
<b>bring</b> 102:16	<b>bureaucracy</b>	100:15,17	37:20 41:5,5,7	215:13 241:1
116:19 124:12	117:5	103:22 126:14	42:4,4 51:2	244:12,13
201:2 241:1	<b>burgess</b> 10:4,5	129:16 142:13	52:1,8 60:12	247:3 264:5
282:4 286:18	93:14,16 94:3	155:17 156:11	60:14 61:6,11	266:17 278:12
<b>bringing</b> 37:3	94:8,18 95:5	169:16 194:21	61:12 62:22	286:11,16
69:17 107:20	95:16 255:15	198:12 209:8	63:21 64:1,1	<b>cash</b> 34:8 140:4
<b>brings</b> 36:16	255:16 257:9	215:15 217:5	65:5,10 76:6	<b>castor</b> 2:7
125:19	260:20 261:22	258:13 261:6	76:12 91:17	170:13,15
<b>broad</b> 178:17	267:14	<b>capacitors</b>	94:14 113:11	172:17 174:3,9
241:3	<b>business</b> 4:21	204:10,10	113:14 114:15	175:21 176:5
<b>broader</b> 194:19	8:21 11:16	<b>capital</b> 20:5	142:10 143:2	176:11,16,22
<b>broke</b> 97:5	14:16 43:20	<b>car</b> 6:15 7:22	144:19 145:3	177:9 248:9,10
258:1,18	48:14 57:13	8:20 12:12	181:16 197:3	250:16,21
<b>brooke</b> 91:1	81:21 94:11	13:18 30:18	200:21 210:18	252:6,12,21
107:17 108:12	140:14 154:11	34:3,7 38:1	219:21 233:12	253:6,10,16
109:10,17	165:1 166:15	41:2 49:15	235:14 241:7	254:9,17 255:3
112:15 231:9	173:7 292:2	65:19,22 93:22	244:10,16	<b>catastrophic</b>
<b>brookes</b> 232:3	<b>businesstype</b>	94:4,9,16 99:5	248:20 250:9	235:18
<b>brought</b> 21:3,4	145:21	109:8 110:17	<b>case</b> 4:22 14:16	<b>categorized</b>
33:4 71:21	<b>button</b> 159:1,4,6	131:12,14	21:2 29:12	169:14
108:1 115:20	159:12,15,18	144:16 151:11	33:22 39:9	<b>cause</b> 12:21
137:1 202:5,6	160:5,13	155:22 156:8	48:14 100:7	133:22 147:19
241:14 248:2	195:13	156:12 158:20	107:21 139:5,5	190:8 206:5,7
266:5	<b>buy</b> 82:9 83:6	159:2,6,6,13	139:12,12	233:13 258:12
<b>bruce</b> 2:6	90:4	174:22 175:9	158:17 161:12	261:19

<b>caused</b> 24:9	178:4 186:19	184:10,11	276:17 288:4	220:9 222:18
60:13 104:7	247:9 284:1	185:7,8,14	<b>changed</b> 16:3	224:18 257:14
131:5 133:12	289:4	186:3,18 187:4	40:11 88:21	<b>chief</b> 5:19 28:5
148:6 261:22	<b>chairman</b> 2:3	187:13,19	89:7 90:13	30:14 196:2
272:11	4:1 10:5 11:9	193:15,18	92:22 93:9	240:11,19
<b>causes</b> 45:20	11:13 12:6	195:14,17,20	117:10 135:5	<b>choice</b> 244:17
108:5	13:1,11 14:6,7	196:2,8,19	144:2 145:2	<b>christine</b> 1:17
<b>causing</b> 6:5	14:19 15:2,10	197:5,19 198:8	168:10 193:10	293:3 294:6
12:11 18:6	16:21 17:5,13	199:8 200:2,12	208:1 216:6	<b>chronologies</b>
25:16 91:2	17:15,18 21:11	201:6,17	245:17 247:15	118:1,3
<b>caveat</b> 81:2	22:6 23:6,12	202:18 203:2	<b>changes</b> 21:18	<b>chronology</b>
<b>cell</b> 194:3	24:11 27:16	210:3,16,21	32:12 40:19	42:17 47:22
<b>center</b> 33:9	28:1 29:5,12	211:3,5,8	44:19 49:5	73:1 206:20
35:14 87:22	29:22 30:6,8	217:12,14	68:13 89:11	207:2 216:4
99:6 259:10	30:12 37:7	218:10 219:20	92:9,9,12	245:13 246:9
<b>centers</b> 33:18	38:8,14,21	225:19 226:17	98:18 107:3	247:22 248:2
<b>centimeters</b>	39:12,18,22	226:21 233:17	116:4,5 117:22	<b>circle</b> 210:14
77:3	40:4,10,15	233:21 234:1	129:1 138:2	<b>circumstance</b>
<b>central</b> 234:3	41:10,15 42:2	239:22 240:2,6	144:5 165:2,5	261:1 286:11
<b>cents</b> 14:19	42:8,16 43:5,7	247:10 248:5,7	174:2,14	<b>circumstances</b>
166:3,8,11,11	43:10,22 44:7	248:10 255:11	202:10,14	24:3 78:22
173:9 174:4,15	44:21 45:4	255:13,14,17	214:11	156:2 206:6,9
<b>ceo</b> 3:5 19:15	52:17,19 53:5	262:6,8 269:5	<b>changing</b> 94:20	268:5 270:7
22:18 35:7	53:9,10 60:4,9	269:6 276:7,11	144:3 208:2	272:14,17
69:3 82:11,12	66:13 67:9,17	276:12 283:14	<b>characterized</b>	288:12
129:14 133:3	67:21 68:2,5	283:17,22	116:8	<b>cited</b> 212:2
133:19 143:17	74:13,15,19,22	290:21 291:7	<b>chart</b> 116:4,17	<b>citizens</b> 20:8
257:11 259:8	75:19 79:19	291:17 292:7	196:20 197:7	147:20
<b>certain</b> 194:5	80:1,2,5 84:3,4	<b>challenge</b> 192:2	242:7,9,16	<b>city</b> 235:15
216:20 239:20	86:19,20 87:2	260:13	243:14,22	<b>civic</b> 102:19
<b>certainly</b> 80:17	92:14,18 93:4	<b>chance</b> 90:14	244:11	<b>civil</b> 27:13 36:21
202:18 216:13	93:9,10,16	185:11 258:15	<b>check</b> 109:1	130:10 133:10
254:9	101:1,6,11	<b>chances</b> 10:15	134:18 161:14	139:5
<b>certificate</b>	107:10,14	<b>change</b> 92:4	263:16 265:7	<b>claims</b> 6:4 13:20
293:13	108:3 113:8,10	106:14 118:22	<b>checked</b> 134:11	14:4 16:14
<b>certification</b>	114:3,10,11,12	122:9 123:12	233:19	25:7 183:5,7
294:1	114:18 120:21	123:14,22	<b>chemical</b> 132:19	196:20 197:2,8
<b>certified</b> 293:4	121:3 129:8,9	124:8,11 126:6	133:6,7,10	198:1 251:2,12
293:15	129:12 130:3	134:6 140:11	<b>cheryl</b> 170:17	252:5,7,10
<b>certify</b> 293:4,12	134:20,21	144:9,15,21	<b>chevrolet</b> 47:13	253:3,19 255:1
<b>cetera</b> 94:17	135:2 142:1,15	145:5 166:12	154:9 175:6,6	289:20
<b>chain</b> 8:14 73:10	150:20 151:1	173:12 174:8	220:21 221:7	<b>clarification</b>
74:6,17 82:14	153:11,12	193:6 202:20	230:17 256:1	74:16
136:7,16	157:15,16,18	207:7,9 208:4	<b>chevy</b> 4:8	<b>clarify</b> 222:8
<b>chair</b> 22:3 29:5	164:3,7 170:12	210:6,8 232:17	108:20 170:17	246:21
93:13 114:21	177:9,10,13,19	234:20 253:22	170:19,22	<b>clarifying</b> 142:2
120:20 134:21	181:7,12	266:19,20	174:20 196:5	181:9

<b>class</b> 98:19	69:10 91:2	<b>colorado</b> 2:8	268:15	<b>community</b>
<b>clean</b> 66:15	94:13,15 96:18	11:11	<b>committee</b> 1:4	19:14 89:12
186:9 231:15	99:4,7,20	<b>column</b> 97:8	9:21 11:10	<b>companies</b>
<b>cleaned</b> 109:7,7	108:21 132:5	<b>com</b> 180:12	16:4 17:11,16	18:14 27:14
<b>clear</b> 26:19	142:10 170:17	<b>combination</b>	20:2,11 22:4	155:20 201:19
64:11 67:12	170:20,22	175:5	23:9,14 26:2,7	251:15 253:1
77:13 78:1	174:20 175:6	<b>combine</b> 270:11	27:9 28:21	<b>company</b> 6:21
111:16 193:12	175:10 176:1,4	<b>come</b> 20:4 73:9	29:7 30:7,13	7:12 13:4 16:1
205:4 208:6	177:7 189:18	108:2 109:8	35:1 36:11	16:8,17 17:7
209:12 210:15	190:4 191:3	115:7 128:6	37:11,16 53:10	18:10 24:8,21
213:19 215:13	195:13 196:16	138:16 140:2	56:9 60:7	28:6,11 42:22
219:2,10	196:21 197:2	140:15 216:17	61:22 62:6,14	53:6 58:3,5,6
224:17 225:8	199:4 210:19	238:22 252:13	66:5 67:14	58:11 64:4,6,7
228:20 243:12	211:22 213:10	265:19 271:12	69:20,21 70:6	65:8,16 66:2
247:1,5,11	224:19 227:3	280:14 281:5	70:15,16 74:20	69:6 81:15
249:6 257:8	234:13 236:9	<b>comes</b> 54:21	78:6 79:14	85:10 90:2
266:10 272:22	238:2 242:8,13	88:17 89:19	80:9,13 87:6	102:2 103:16
272:22 273:1	244:18 249:1	151:6 202:11	100:22,22	104:5,19 106:5
274:15,22	249:11 256:2	264:6 265:22	115:1 126:17	116:18,22
275:14 280:4	256:12 257:14	<b>comfort</b> 116:14	171:15,21	117:1,22 133:2
<b>clearest</b> 257:6	259:7,8,9,17	116:20	182:16 186:21	133:6,14
<b>clearly</b> 40:8	260:2 262:4	<b>comfortable</b>	187:21 209:3	147:13,19
41:18 84:15	270:15 274:20	113:20	211:6,9 212:16	149:3,6,9,21
119:3 124:13	275:7,8	<b>coming</b> 17:6	217:14 226:2	149:22 150:3
125:18,21	<b>cobalts</b> 5:19	24:15 107:6	242:18 243:4	162:19 164:14
172:9 178:6	59:6 60:12	119:10,13	244:15 245:9	167:3,21
218:21 229:8	61:17 87:11	256:12 278:6	246:10 247:13	172:12 174:13
230:1 244:17	91:17 99:21	<b>command</b> 8:14	247:16 252:13	176:10 184:14
<b>click</b> 194:21	171:19 196:5	136:7,16	255:4	208:14 221:11
195:20	220:9,21 221:7	<b>comment</b> 52:22	<b>committees</b> 10:8	253:18 254:1
<b>clinton</b> 211:16	222:18 230:5	100:17 115:6	19:19 23:17	254:10 255:8
<b>clock</b> 31:8	230:17 239:8	149:17 267:2	153:12 182:20	266:21 273:13
<b>close</b> 30:9	<b>cobb</b> 107:19	<b>commenting</b>	250:8,22	274:12
192:21 259:12	112:10	140:21	<b>commodity</b>	<b>companys</b> 63:1
<b>closed</b> 48:15	<b>code</b> 30:3	<b>comments</b> 68:7	122:6	83:15 91:8,18
<b>closely</b> 21:16	187:16 236:5	251:12	<b>common</b> 38:14	101:21 104:8
67:1 157:11	<b>coded</b> 73:11	<b>commerce</b> 1:4	<b>communicate</b>	250:10,17
<b>closing</b> 96:3	<b>coincidences</b>	177:13	8:16,17 112:18	<b>comparable</b>
259:12	271:2,3,14	<b>commissioned</b>	113:4 228:9	196:21
<b>closure</b> 236:14	<b>colleague</b> 158:4	34:12	287:2	<b>compared</b> 190:5
<b>cmt</b> 21:12	<b>colleagues</b>	<b>commit</b> 98:16	<b>communicated</b>	196:21 224:19
<b>cobalt</b> 4:8,14 5:3	142:22	120:12	113:15 287:7	239:10
5:11,15,21 6:1	<b>collision</b> 97:7	<b>commitment</b>	<b>communicating</b>	<b>comparison</b>
6:4,14 7:3,14	99:3 110:7	11:17 87:17	194:10	199:1,4 243:18
8:7 37:18 38:3	111:3,3 259:6	120:16	<b>communication</b>	<b>compass</b> 118:9
40:22 41:16	259:11 261:2	<b>committed</b> 17:7	157:9 161:13	<b>compelled</b> 226:5
47:13 53:22	<b>collisions</b> 190:14	88:10 105:6	286:4	<b>compelling</b>

222:2 <b>compensate</b> 183:8,22 <b>compensation</b> 36:14 183:10 184:6 <b>competitive</b> 28:17 <b>complain</b> 37:20 <b>complained</b> 49:16 <b>complaint</b> 112:15 190:2 191:2 213:4 223:15 237:9 237:10,19 243:16 244:6 256:9 279:1 281:4,7 <b>complaints</b> 4:10 16:14 20:12,14 20:17 42:9 53:21 54:4 59:2 189:16 196:16 197:22 198:17,18 220:15 222:22 223:7,8 230:15 235:9,13,17,21 236:5 237:12 237:13,15,22 238:4,10,13,18 238:22 239:3 239:10,14,16 248:14,20 251:21 254:4 254:11 256:2 256:11 265:19 270:15 278:2 280:10 281:1 283:3,10,11 <b>complete</b> 41:22 42:14 44:11 49:7 74:10 94:6 98:15 106:12 115:18 117:12 178:8	293:8 <b>completed</b> 15:5 <b>completely</b> 52:6 117:7 134:3 233:10 257:9 261:10 272:18 290:1 <b>complex</b> 59:15 100:16 106:13 <b>complicated</b> 268:6 <b>comply</b> 27:15 <b>component</b> 159:21 182:1 <b>comprehensive</b> 217:6 <b>compressed</b> 257:21 258:19 <b>computer</b> 191:21 214:5 <b>computergene...</b> 293:9 <b>con</b> 119:21 220:22 <b>concern</b> 130:22 132:21 177:1 227:7 229:3 266:12 273:3 281:5,22 283:6 <b>concerned</b> 17:11 52:20 62:21 66:13 186:7 191:10 245:13 273:21 282:20 <b>concerning</b> 137:8 148:5 220:20 221:7 <b>concerns</b> 5:15 139:2 169:3 189:21 197:6 201:2,22 202:12,16 207:3 216:11 223:8,15 227:9 227:18 228:15 229:9,11 234:19 248:2	266:2,5 <b>concluded</b> 14:10 14:13 43:11 224:18 <b>concludes</b> 173:6 177:11 <b>conclusion</b> 66:12 225:6 291:19 <b>conclusive</b> 230:6 230:7 260:15 <b>condition</b> 47:12 48:8 49:2 111:22 <b>conditions</b> 190:13 200:11 <b>condolences</b> 75:7 157:20 <b>conduct</b> 31:21 66:2 80:10 184:20 255:22 <b>conducted</b> 14:2 47:10 48:5 49:4 72:16 171:17 220:8 <b>conducting</b> 118:6 <b>confess</b> 158:21 <b>confidence</b> 11:7 <b>confident</b> 161:6 <b>confidential</b> 148:15,22 <b>confidently</b> 132:4 <b>confirm</b> 145:12 167:13 275:17 <b>confirmed</b> 62:6 205:7 248:12 275:19 <b>conflict</b> 115:19 <b>confused</b> 115:14 <b>confusion</b> 7:18 <b>congratulate</b> 142:19 <b>congratulations</b> 129:13 <b>congress</b> 75:10	80:20 151:5,9 151:20 211:15 226:7 239:17 267:21 <b>congressional</b> 94:22 107:17 231:10 <b>congressman</b> 137:20 179:19 195:5 197:4 208:20 212:12 214:22 218:20 227:10 233:9 234:9 236:20 239:4 255:12 256:18 260:5 261:9 263:17 265:16 268:4 271:17 274:14 <b>congressmen</b> 81:3 <b>congresswoman</b> 254:5 <b>connect</b> 105:20 110:12 137:16 203:5 205:17 <b>connected</b> 163:18 <b>connecting</b> 252:19 <b>connection</b> 42:18 203:10 207:18 268:19 273:1 <b>connections</b> 272:6 <b>consciousness</b> 151:6 <b>consent</b> 13:9 14:5,22 92:15 291:1,8 <b>consents</b> 291:9 <b>consequences</b> 235:18 <b>consider</b> 7:20 36:18 40:7 175:19 214:14	266:8 <b>consideration</b> 78:20 <b>considered</b> 4:17 163:14 211:21 241:2,3 266:18 <b>considering</b> 172:18 192:8 <b>constantly</b> 33:14 <b>constituent</b> 131:6 134:9 <b>constituents</b> 23:1 129:15 218:12 <b>constituted</b> 20:18 <b>consultant</b> 36:9 <b>consulting</b> 82:6 <b>consumer</b> 116:20 162:16 189:16 190:2 191:2 213:3 220:14 222:21 223:7,15 234:4 235:9,21 239:14,16 248:14,19 254:4 278:1 279:9 281:7,19 283:3 <b>consumers</b> 188:22 195:10 233:11 236:4 237:17 251:13 278:4 280:9,14 282:9,9 <b>contact</b> 45:21 178:10 180:20 236:10,18 278:9 279:19 282:12,17,22 <b>contacting</b> 282:16 <b>contacts</b> 237:8,8 <b>contain</b> 237:15 <b>contained</b> 140:8 248:13
--	---	---	--	--

<b>continue</b> 68:19 79:18 80:18 92:8 118:20 133:17 160:15 164:10,16 184:15 191:18 192:18 211:2 214:3 <b>continued</b> 16:18 51:1 156:12 191:1 <b>continues</b> 91:15 211:12 <b>continuing</b> 217:3 <b>continuously</b> 209:15 <b>contracted</b> 50:3 <b>contractors</b> 220:6 <b>contrasting</b> 259:4 <b>contributed</b> 18:19 <b>contributing</b> 284:13 288:19 <b>control</b> 110:18 170:19,21 175:2 207:12 207:12 293:17 <b>controllable</b> 175:10 <b>convene</b> 4:1 <b>convened</b> 189:22 222:15 <b>conversation</b> 207:14 <b>conversations</b> 139:8 193:7 207:11 234:20 245:18 <b>converted</b> 230:20 <b>convinced</b> 198:2 <b>cooperate</b> 184:15 185:6 <b>cooperated</b>	184:13 <b>cooperation</b> 79:13 <b>copies</b> 293:14,17 <b>copy</b> 12:6 88:4 <b>core</b> 44:18 89:8 89:18 92:22 93:2,7 198:14 <b>corporate</b> 89:1 116:4,17 <b>corporation</b> 3:5 133:16 <b>correct</b> 18:18 38:6 40:13 45:7 46:15,18 46:22 47:5,13 48:9,16 49:5 49:21 50:7,12 50:19 51:4,11 55:17,20 60:20 61:20 68:11 69:4 72:1,2 76:4,10,16,22 77:7,15,20 81:8 135:6,7,8 135:22 143:9 144:16,17 148:7,10,11 166:4,19 168:13 176:2 196:6,17,18 208:12 212:4,5 220:6,11,12,19 221:6,10,12,21 222:12,13,14 222:19,20 224:4,21,22 225:12 233:20 253:15 275:11 276:3,4 289:1 289:2 293:8 <b>correctly</b> 270:14 <b>corresponding</b> 141:4 <b>cost</b> 12:10 14:14 14:18 25:17 44:9,12 146:1	146:8,11,21 147:8 165:10 165:13,15,22 167:16 168:4 168:11,15 173:8,15 174:4 174:15 218:1,2 <b>costly</b> 174:5 <b>costs</b> 4:19 43:13 44:1,5 96:6,7 173:4 174:8 <b>couldnt</b> 64:12 130:20 217:16 218:14 261:22 <b>counsel</b> 29:8,10 75:16 186:22 187:2 <b>count</b> 109:18 169:21 252:2 278:18,19 <b>countermeasure</b> 96:9 <b>country</b> 112:21 113:6 117:20 239:1 <b>counts</b> 251:17 <b>county</b> 108:13 112:10 293:2 <b>couple</b> 25:18 51:20 60:21 132:17 143:1 184:15 193:22 <b>course</b> 33:19 58:9 97:9 169:3 184:3 258:16,21 276:20 277:18 <b>court</b> 148:18 <b>courtesy</b> 75:1 79:19 240:1 <b>cover</b> 104:1 160:2 <b>coverage</b> 16:15 <b>coverup</b> 70:22 <b>crank</b> 182:6 <b>crash</b> 9:3 20:15 90:9 97:15,18	98:2 156:11 189:17 190:6 192:9 198:17 200:5,7 203:13 206:3,6,10 213:4,13 214:2 220:7,22 221:8 222:9 223:15 224:13,21 226:8 232:8 233:13 236:8 241:11 242:8 249:1,11,16 250:1,1 261:12 261:16,18 272:17 285:1 286:13,14,17 286:17 287:2 288:4,10,13 <b>crashes</b> 6:5,15 12:3 18:6 19:12 20:20 24:10 75:8 112:2 188:3 190:3,12,18 196:17 197:22 200:10 204:14 222:22 256:3 260:17 268:5 268:17 272:13 272:14 <b>create</b> 15:16 136:8 138:22 <b>created</b> 72:1 207:18 <b>crises</b> 91:18 <b>crisis</b> 91:21 <b>criteria</b> 84:13 <b>critical</b> 7:10 128:2,10 144:15 193:7 206:13 208:9 218:4 226:3 246:1,4 254:10 286:21 <b>cross</b> 55:3 <b>crossing</b> 235:16	<b>csr</b> 294:6 <b>culdesac</b> 96:19 257:15 <b>cultural</b> 44:19 116:10 <b>culture</b> 8:13,21 44:7,13,14 116:15 118:22 125:22 133:1 133:15 168:15 168:16 <b>curb</b> 100:4 <b>curious</b> 241:22 <b>current</b> 32:22 143:17 219:21 269:1 <b>currently</b> 81:13 82:11 252:22 254:18 <b>customer</b> 16:14 33:8,17 34:6 44:13,16 108:22 112:15 118:9,17 129:16 160:11 163:3 168:16 <b>customers</b> 4:10 4:12 7:2 22:9 31:6 32:21 33:10,19 34:18 34:20 36:2 66:18 81:22 87:21 88:9 102:9 105:3,6 105:8 114:1 119:18 138:21 <b>cut</b> 58:17 145:15 154:7 175:6,16 203:20 <b>cuts</b> 175:17 <b>cutting</b> 231:12 270:17 <b>cylinder</b> 95:21 231:21
<b>D</b>				
<b>d</b> 2:9 3:1 294:3				



<b>dad</b> 196:10 269:19 270:4 <b>damage</b> 147:16 147:17,18 <b>damages</b> 148:20 <b>dangerous</b> 132:20 188:12 <b>data</b> 18:22 20:12 20:20 107:5 163:10,18 166:21 189:17 190:1,2 191:1 191:6 197:13 197:14,15 200:6 212:1 213:3,4,7,9 215:14 220:14 220:20 221:7 223:14,15 230:2,4 234:10 234:15 241:11 243:13 244:7 251:10 254:6 265:22 266:10 274:19 278:12 280:21 281:7 284:18,18,19 <b>databases</b> 237:19 <b>date</b> 34:4 95:21 143:2 196:6 <b>dated</b> 123:15 <b>daughter</b> 87:9 236:8 <b>david</b> 3:8 10:1 19:16 187:9 <b>day</b> 68:1 108:19 108:19 112:15 118:21 134:4 152:2 188:10 231:11,16 232:5 277:3,20 294:2 <b>days</b> 103:8 139:10 178:7 292:2 <b>dead</b> 12:3 111:4	174:22 <b>deadline</b> 209:11 <b>deadly</b> 8:17 12:4 90:16 234:8 <b>deal</b> 106:15 133:2 147:14 175:16 192:6 229:7 258:8 264:4 266:16 <b>dealer</b> 88:16 113:22 131:14 131:16,22 134:11 218:13 279:18 282:8 282:13 <b>dealers</b> 5:2 15:6 32:22 33:21 34:2,7,15 49:15 130:16 132:1 163:5 230:14,19 278:2,3 <b>dealership</b> 91:5 107:22 108:21 112:9 161:3,3 161:18 233:3 <b>dealerships</b> 112:9,21 113:6 <b>dealing</b> 74:6 151:8 <b>dealt</b> 169:14 <b>dearly</b> 269:3 <b>death</b> 18:1 108:20 109:10 109:18 112:16 150:3 169:20 214:18 215:3 231:17 232:3 <b>deaths</b> 6:6 75:11 91:11 101:15 170:2 171:11 214:15,19,19 263:6,10 <b>debate</b> 9:15 <b>decade</b> 12:15 13:21 20:15 25:6 30:17	42:1 59:13 91:10 93:21 94:4 174:1 175:13 191:14 265:4 268:10 <b>deceased</b> 99:16 <b>deceleration</b> 259:22 <b>december</b> 6:20 62:9,12 69:9 176:1 177:6 182:3 258:7 <b>decide</b> 8:6 197:16 261:21 <b>decided</b> 4:18 5:5 6:7 7:13 10:19 42:21 56:12 164:22 197:20 197:21 198:4 224:4 240:15 242:4,6 <b>deciding</b> 220:15 <b>decision</b> 13:8 16:1 43:19 55:5,22 62:14 63:15 69:7,13 69:22 72:21 73:7,9,10 86:8 89:13 95:3 133:11 136:6,8 144:21 145:4 146:18 149:16 159:13 173:11 173:14 174:7 220:4 225:20 240:11,16 242:1,14,19 247:16 265:13 <b>decisionmaking</b> 89:8 <b>decisions</b> 48:21 69:22 79:15 103:9,14 105:3 118:16,16 132:13 167:17 184:8 <b>declined</b> 229:12	<b>decreased</b> 191:3 <b>dedicated</b> 33:13 35:9 119:3 265:20,21 <b>deemed</b> 288:18 <b>deep</b> 182:20 <b>deepest</b> 16:22 <b>deeply</b> 11:14 31:19 111:15 188:3,7 <b>defect</b> 19:8,13 24:19 25:9 30:20 44:4 45:6,13 85:1 98:14 103:18 127:8 128:3,11 132:13 166:15 167:22 173:15 178:16 179:11 179:15,18 188:4 189:4 192:12 196:3 196:12 206:14 211:22 212:2,3 213:9,19,22 215:13 216:15 221:15 222:3 223:13 224:15 226:8 240:12 241:1 242:3,21 243:15,15 245:5 246:2,6 247:1,5 253:13 253:21 254:11 254:14,20 255:2 257:8 266:12 272:6 274:17 275:16 289:13,22 290:9,16 <b>defective</b> 11:20 13:2,13 18:13 24:2,7 25:21 26:14 38:20 50:12 51:10 56:13 63:8,22 72:18 75:4	76:7,12 85:16 88:14 104:8 106:22 148:6 171:4 174:13 188:20 203:6 236:2 250:3 <b>defects</b> 5:19 18:22 23:20 27:12 108:7 178:8,11 188:15 189:14 191:22 192:10 192:14,19,22 202:4 214:12 215:3,6 220:13 220:16 221:13 222:15 225:21 225:22 227:9 240:20,20 241:18 248:13 254:3 264:11 264:14 269:19 271:18 272:1 274:16 277:13 281:9,12 286:12,19 288:5 <b>defense</b> 82:3 148:13 <b>definitely</b> 132:15 160:8 212:15 229:3 <b>definition</b> 141:18 179:10 180:11 <b>definitions</b> 179:21 180:2 <b>definitive</b> 217:6 <b>definitively</b> 193:4 <b>degette</b> 2:8 14:8 15:4 45:1,3,9 45:12,15 46:4 46:8,17,21 47:4,7,16,19 48:4,11,19,22 49:9,13 50:2,9
---	---	---	--	---

50:14,22 51:6 51:13,19 52:5 52:11,16 84:3 84:5,8,10 85:3 114:11,13,17 181:9,11 182:1 182:12,15 183:16,20 184:5,9 202:22 203:2 204:8,15 204:18,22 205:12 206:12 206:22 207:4 208:2,8 209:2 209:6 210:2,3 218:15,22 219:5 <b>degettes</b> 210:5 <b>degrette</b> 11:10 11:12 13:12 95:18 187:20 193:16 <b>delay</b> 64:4 <b>delayed</b> 146:18 <b>delighter</b> 160:12 <b>delivered</b> 34:15 <b>delphi</b> 5:7 13:4 26:6 40:12,18 46:9,22 50:4 50:16 61:22 72:1 73:8 74:4 74:17 77:9 122:14 171:16 <b>demise</b> 258:13 <b>democrats</b> 130:8 142:21 <b>demonstrate</b> 118:15 <b>demonstrated</b> 106:16 <b>demonstrates</b> 33:2 <b>department</b> 136:15 189:11 233:2 <b>departments</b> 105:21 112:22	<b>departmentss</b> 192:17 <b>depends</b> 140:18 140:19 178:21 286:11 <b>deploy</b> 6:15 97:2 98:5 99:7,9,22 100:6 156:9 190:11,15,18 199:15,22 200:4,13,21 204:12 249:4 249:12 257:17 258:5,9 259:18 260:6,8 267:15 270:21 285:3 <b>deployed</b> 97:3 260:10,11 <b>deploying</b> 8:9 59:7 206:11 261:7 <b>deployment</b> 99:17 157:4 199:19 261:4 270:8,9 <b>deploys</b> 260:1 <b>deputy</b> 186:5,8 <b>deserve</b> 109:16 <b>deserves</b> 237:1 <b>design</b> 52:14 77:1 79:2 81:22 122:9 123:13 126:6 190:15 230:21 230:21 <b>designed</b> 21:19 52:12 60:16 61:15 160:9 204:11 205:8,9 233:12 241:15 260:16 271:20 <b>designing</b> 59:14 <b>designs</b> 173:2 <b>desire</b> 29:9 187:1 <b>despite</b> 51:1 77:9 109:3	197:21 256:2 <b>detail</b> 235:13 252:3 <b>detailed</b> 59:15 66:3 115:11,21 118:2 266:9 <b>details</b> 110:20 113:3 121:19 195:11 207:15 <b>detect</b> 211:19,19 <b>detent</b> 45:21 50:5 <b>determination</b> 170:3 198:15 203:9 205:14 208:13 209:4 <b>determinations</b> 71:12 <b>determine</b> 21:17 66:4 75:11 179:17 184:3 209:21 212:13 221:15 <b>determined</b> 9:16 35:3 <b>determines</b> 291:14 <b>developed</b> 4:17 76:18 227:4 <b>development</b> 82:13 89:15 117:4,6 <b>diana</b> 2:8 <b>diaphragms</b> 258:20 <b>didnt</b> 5:16 6:1 7:3,7,9 8:7 13:14 14:11 16:7 25:19 27:1 37:21 40:5 41:4 42:3 42:18 46:13 55:8,18 58:6,8 58:10 64:2,15 65:16 81:5 84:11 86:9 100:3,4 112:19	123:7 124:8 128:19 133:12 137:15 161:4 165:18 166:11 171:18 180:17 201:7 206:14 209:4 213:9 216:1 219:11 228:12 230:4,5 230:6,6 249:15 257:17 258:5,8 259:19 267:5,6 267:7,18 269:14 270:20 272:16 274:20 <b>die</b> 133:12 <b>died</b> 18:16 19:12 25:21 149:9 236:8 259:16 260:9 278:6 <b>dies</b> 133:8 <b>difference</b> 38:18 97:21 151:19 151:21 152:1,4 152:11 160:19 178:16 258:17 259:2,19 <b>differences</b> 91:14 159:8 <b>different</b> 39:5 55:16 58:20 68:9 87:3 151:16 155:8 155:14,15 156:1,2,19 199:12 210:9 215:10 239:1 258:9 264:8 285:17,18 290:11 <b>differently</b> 88:3 284:15 <b>difficult</b> 147:7 191:12 192:4 260:17 <b>digiorgio</b> 106:2 165:5	<b>diligence</b> 69:19 273:12 <b>dimensions</b> 24:5 <b>dingell</b> 2:9 10:2 21:21 74:20,22 76:9,16,22 77:7,14,19 78:4,8,12,18 79:5,9 80:11 219:22 220:2 220:12,19 221:4,12,18 222:7,14,20 223:4,17,20 224:3,10,16 225:1,5,8,16 225:18 227:12 <b>direct</b> 164:18 207:18 225:14 268:20 <b>direction</b> 249:10 255:6 293:18 <b>directly</b> 33:13 252:19 280:10 289:15 <b>director</b> 19:16 28:14,17 67:2 186:8,9 <b>directors</b> 28:9 35:5 147:12 <b>disappointed</b> 35:19 <b>disaster</b> 24:5 <b>discernible</b> 224:7 <b>disclose</b> 103:17 <b>disclosed</b> 103:22 <b>disclosure</b> 162:20 <b>disconnect</b> 174:10 <b>discovered</b> 56:19,20 158:11 <b>discovery</b> 91:15 <b>discuss</b> 185:11 288:3
--	--	---	--	---

<b>discussed</b> 175:13 202:1	84:1,10 85:16 86:5,5 119:1	161:9 162:16 164:14 166:18	<b>draft</b> 288:8 <b>drawing</b> 255:5	<b>déjà</b> 19:6 23:13
<b>discussing</b> 40:19 276:21	138:20,21,21 153:6 162:19	167:18 174:7 176:20 195:17	<b>dress</b> 87:12,15 <b>drill</b> 152:22	<b>E</b>
<b>dismissed</b> 185:15	199:15 242:15 260:2 267:15	198:5,7,12 201:1,4,9	153:8 <b>drive</b> 20:9 34:1	e 3:1
<b>dissuade</b> 140:3	268:2	209:22 210:11 215:9 229:14	38:1 79:12 88:9 113:19	<b>earlier</b> 11:22 72:19 114:14
<b>distinct</b> 222:11	<b>doing</b> 8:20 28:22	230:21 232:17 233:18 236:15	114:4 117:13 118:21 132:9	123:18 138:5 163:8 169:20
<b>distribute</b> 15:7	42:6,14 44:10	237:6,15 238:7 238:19 239:18	162:7 218:6 219:21	193:10 202:15 204:4 222:1
<b>district</b> 22:19 107:18,20 108:14 231:10	44:11 46:7 54:8 56:17 57:22 59:12	244:22 246:12 246:15,16,22	<b>driver</b> 96:19 97:10 99:8,19	235:7 240:10 245:7 260:10 270:12
<b>disturbing</b> 43:16 48:18	63:10 69:18 73:2 95:14	247:2 251:17 252:2,16	162:9 175:6 257:21 259:9	<b>earliest</b> 61:9 <b>early</b> 6:13 20:16
<b>divided</b> 198:20	98:14 104:12 127:12 142:19	257:10 260:3,6 263:12 264:13	<b>drivers</b> 5:3 15:20 19:21	20:19 58:1 189:17 197:15
<b>division</b> 5:20 196:3 240:12 240:21 241:18	160:4,17,20 183:3,4 186:13 188:22 190:16	267:19 277:13 282:17 283:15	21:19 25:4,7 25:10 37:19	212:1 213:3 220:14 223:14
242:4,22 269:20 271:19 272:2	226:13 232:21 233:7 237:13 240:21 262:15	285:19 287:6 <b>doors</b> 154:8	41:2,17 97:11 113:13 175:15	248:12 249:20 251:9,9 252:22 255:6 265:21
<b>divisions</b> 212:3	271:19 279:22	<b>dots</b> 110:12 137:16 163:17	251:5 <b>drives</b> 129:18	278:11 288:21 288:22
<b>document</b> 14:20 45:17,17,22 46:3 62:9	<b>dollars</b> 25:18 <b>dome</b> 258:19	203:5 205:17 <b>doubt</b> 103:19	<b>driveway</b> 113:14	<b>earn</b> 133:17 <b>easier</b> 138:11,15
67:18 96:2,13 98:10 122:11 122:14 123:21	<b>dont</b> 8:13 9:12 9:13 16:10 38:22 42:2	254:15 282:12 <b>download</b> 280:9	<b>driving</b> 4:14 42:10 44:19	195:15 269:1 <b>easiest</b> 257:5
141:5 158:15 172:4,6,10,14 172:21 230:12	44:2 45:12 46:5 47:16,19 50:22 54:9,12	<b>dozen</b> 19:11 25:21	89:2 90:3 109:1 110:17	<b>easy</b> 12:16 274:6 <b>edr</b> 284:18
<b>documentation</b> 74:5 211:1	56:16 60:2 61:2 65:21	<b>dozens</b> 12:3 24:9 <b>dr</b> 10:4,5 93:14	154:22 158:5 158:20 174:21	<b>effect</b> 12:5 231:21
<b>documents</b> 14:17 18:11 20:10 37:17	82:1,16,19 83:9 85:5,10	93:16 94:3,8 94:18 95:5,16	175:18 231:3 232:15 236:1	<b>effective</b> 228:22 229:6
53:16,20 62:5 67:13 126:6 141:10 171:22	85:11 104:17 106:10 109:15 110:20 111:6	107:13,14 109:21 110:2	257:16 277:10 <b>drove</b> 154:12	<b>effectively</b> 214:7 <b>efficiently</b> 214:7
173:8 209:10 209:12,14,16 209:18 246:15	115:17 119:21 120:7 128:5 135:14 136:10	110:11 111:20 112:6,20 113:7	<b>drunk</b> 277:10 <b>due</b> 24:7 69:18	<b>effort</b> 36:17 162:14 192:1
291:4,9,12 <b>dodob</b> 282:5 <b>doesnt</b> 17:4	140:20 141:17 145:8,8 147:9 147:19 149:17	130:4 226:19 226:21 227:22	76:6 230:16 249:18 252:13	212:17 273:12 <b>efforts</b> 36:14
39:15 63:6 82:8 83:1,17	150:13 152:7,7 153:13,17 155:18,21	228:3,7,14 229:2,10,15,20 230:9 232:2,13	260:20 273:12 <b>dug</b> 213:7 <b>duly</b> 29:17,20	192:16 217:3 228:10 232:7 280:18
		233:14 255:15 255:16 257:9	187:7,11 <b>durability</b> 39:7	<b>eight</b> 146:12,21 147:14 155:12
		260:20 261:22 267:14	39:10 82:20 83:4	216:2 <b>either</b> 50:16

139:19 <b>elevate</b> 55:3 224:5 <b>eliminated</b> 117:4 <b>email</b> 40:17,20 74:6,17 164:19 165:12 166:3,7 228:18 229:8 <b>emailed</b> 165:3 227:17 <b>emailing</b> 232:16 <b>emails</b> 239:18 239:20 270:2 <b>embark</b> 94:3 214:13 <b>embarked</b> 30:18 93:21 <b>emerging</b> 102:1 142:9 <b>emeritus</b> 74:19 80:2 <b>employed</b> 123:19 <b>employee</b> 35:7 106:5 124:4 125:4 126:13 <b>employees</b> 32:22 34:19 35:2 40:18 119:18 184:22 188:10 199:9 265:9,10 273:16 <b>empowered</b> 33:21 <b>enacted</b> 27:9 <b>encountering</b> 174:19 <b>encouraged</b> 35:4 <b>ended</b> 59:3 131:17 257:15 260:15 <b>endoffline</b> 67:6 <b>ends</b> 264:7 <b>energy</b> 1:4 194:2 204:11	<b>enforce</b> 85:5 <b>engage</b> 202:14 226:11 <b>engaged</b> 191:10 <b>engaging</b> 192:13 <b>engine</b> 91:1 108:22 175:7 175:17 231:12 270:17 <b>engineer</b> 35:16 40:21 48:12 81:12,13,22 90:22 98:12 106:3 122:8 123:18,20 186:8 260:22 <b>engineered</b> 63:6 <b>engineering</b> 28:13,15,18 55:12 72:4,8 72:11 114:7 136:11,15 165:3,7 176:9 181:20 191:5 194:6 221:20 248:16 270:8 271:8 <b>engineers</b> 4:16 6:17 7:20 9:10 20:15 38:8 49:4 54:22 71:20 90:16 123:16 126:12 137:16 156:15 167:3 172:15 <b>engines</b> 49:1 175:16 238:6 <b>enjoyable</b> 164:12 <b>enormous</b> 147:18 <b>ensure</b> 18:21 57:19 75:12 79:11 192:19 <b>ensuring</b> 188:19 <b>entered</b> 291:5 291:13	<b>enticing</b> 218:5 <b>entire</b> 47:17 64:17 72:6 90:9 92:4 117:5,16 160:16 276:19 <b>entirely</b> 94:11 <b>entitled</b> 4:3 29:7 149:11 186:21 <b>entry</b> 284:18 <b>environment</b> 82:3 116:10 <b>equation</b> 214:21 <b>equipment</b> 110:15 176:14 <b>er</b> 288:21 <b>erin</b> 37:12 <b>error</b> 17:21 <b>especially</b> 31:17 159:22 287:8 <b>essentially</b> 175:15 <b>established</b> 158:6 <b>estate</b> 154:10 <b>estimate</b> 145:9 145:22 146:11 146:16 <b>estimated</b> 146:8 <b>estimates</b> 139:3 139:15 <b>et</b> 94:17 <b>eureka</b> 90:16 <b>evaluate</b> 36:9 103:8 139:9 159:14 <b>evaluating</b> 5:15 97:22 159:16 192:13 <b>evaluation</b> 45:19 96:13 221:19,20 222:16 224:18 <b>evaluations</b> 226:12 <b>evening</b> 282:3 <b>event</b> 36:19	284:18 <b>events</b> 75:5 <b>evidence</b> 171:8 241:3 255:22 256:14,16 266:8,9 <b>ew</b> 288:21 <b>ewr</b> 220:20 221:7 241:11 289:10,14 <b>exact</b> 25:16 83:2 85:11 100:1 145:6 208:21 209:8 234:17 234:17 238:7 254:6 266:3,3 <b>exactly</b> 37:1 59:16 113:4 153:14 166:20 230:19,22 234:22 237:1,2 240:21 246:15 252:4 265:17 271:19 277:20 287:15 <b>examine</b> 6:17 10:9 42:22 226:7 <b>examined</b> 10:18 18:5 20:17 <b>examining</b> 5:10 <b>example</b> 39:2,13 82:22 89:10 117:16 131:4 191:20 200:18 225:10 251:19 <b>excellence</b> 118:10 <b>exchange</b> 40:18 115:5,21 <b>exchanged</b> 115:13,16 <b>excuse</b> 114:11 153:3 173:5 205:20 <b>executive</b> 28:6 28:14 30:14	62:13 67:2 86:12 167:12 176:12 267:5 <b>executives</b> 27:5 63:17 <b>exerted</b> 231:2 <b>exhibit</b> 258:4 <b>exist</b> 6:1 138:20 161:15 270:6 <b>existing</b> 139:22 <b>exists</b> 102:3 221:15 <b>expand</b> 192:1 <b>expanded</b> 76:11 231:6 <b>expect</b> 11:6 75:15 76:1 79:18 184:14 209:6 233:11 <b>expectation</b> 9:7 233:7 <b>expected</b> 267:12 267:13 <b>experience</b> 102:16,17 117:1 155:2 164:12 182:17 204:3,4,19 205:2,15 <b>experienced</b> 25:8 36:13 92:6 <b>expert</b> 137:10 189:22 <b>expertise</b> 36:17 189:19 191:6 191:13,17 268:7 <b>experts</b> 157:2 159:19 160:2 275:4 <b>expired</b> 17:14 67:10 74:13 86:21 101:7 150:21 262:9 <b>explain</b> 91:1 111:11
---	--	---	---	---

<b>explaining</b> 79:6	284:13 288:19	<b>fashion</b> 118:4	<b>fell</b> 41:6 131:2	119:19 120:1
<b>explains</b> 165:8	288:19	<b>fast</b> 257:16	<b>felt</b> 98:13 162:8	127:19
<b>explanation</b>	<b>factors</b> 78:20	<b>fatal</b> 91:3	<b>fewer</b> 25:4	<b>fine</b> 196:1
78:19 266:18	175:5 190:21	196:16 197:22	<b>field</b> 6:6 16:15	<b>fines</b> 189:9
<b>exploding</b> 265:3	212:2	222:22 256:3	54:21 62:13	<b>finger</b> 9:8
<b>exploration</b>	<b>facts</b> 9:17 21:8	<b>fatalities</b> 24:10	196:17 222:22	152:18,19,21
214:18	24:17 32:4,5,6	98:7 111:13	<b>figure</b> 17:3	<b>fingers</b> 152:20
<b>explorer</b> 151:10	51:1,8 80:21	169:21 171:7	22:13 38:9	<b>finish</b> 209:7
152:8	80:21	188:15	68:20 135:10	<b>firestone</b> 18:5
<b>exposure</b> 22:17	<b>fail</b> 27:15 154:21	<b>fatality</b> 259:20	137:16 167:5	18:19 20:3
198:19 242:12	<b>failed</b> 11:22	<b>fatally</b> 96:20	250:2	21:3 23:15
<b>express</b> 16:22	12:10 18:12,15	<b>father</b> 87:14	<b>figured</b> 91:9	151:10 152:8
157:19	24:19 26:3	154:1	<b>figures</b> 271:9	<b>firm</b> 271:6,8
<b>expressing</b> 75:7	189:6 205:16	<b>fault</b> 22:14 99:5	<b>filed</b> 101:22	273:16
<b>exsanguination</b>	212:14	234:6 259:9,10	169:4,10 287:1	<b>first</b> 7:2 18:2
97:14	<b>failure</b> 8:16,17	<b>faulty</b> 7:1,15,21	<b>filing</b> 4:10	19:17 20:2
<b>extensive</b> 102:16	19:5 45:20	15:21 43:1	<b>final</b> 163:6	28:4 29:19
113:16 114:6	117:14	60:11 61:5	182:15 242:19	32:14 34:16,20
181:21	<b>failures</b> 248:21	65:3,5 106:8	245:21 267:3	37:4 44:16
<b>extent</b> 112:8	<b>fair</b> 95:11	109:5 110:14	<b>finally</b> 6:21 26:4	46:2 51:21
171:7	115:15	112:11 122:9	26:11 51:13	65:10,18 68:1
<b>extra</b> 132:21	<b>fairly</b> 97:18,18	122:17,20	66:20 105:22	68:16 88:17
<b>extraordinary</b>	242:10	126:10 152:10	106:1 131:19	89:20 91:7
30:22 33:22	<b>fairness</b> 99:14	171:16 172:20	<b>financial</b> 169:12	98:6 100:5
36:19,20	<b>faith</b> 193:1	193:5	<b>find</b> 9:17 19:17	103:5 104:9
102:10	208:15,19	<b>february</b> 13:3	24:15 30:21	105:15 111:12
<b>eye</b> 239:5	<b>fallen</b> 18:2	51:15 76:19	43:15 56:6	115:6 116:21
	<b>families</b> 9:3	115:9 131:11	69:16,19 85:15	121:7 122:2,13
<b>F</b>	19:21 24:11	136:18	86:16 96:1	123:4,9 129:13
<b>face</b> 41:1,17	31:17 37:9,14	<b>federal</b> 12:1	98:11 126:15	141:3,4 143:8
<b>faces</b> 35:20	75:2,7,14	14:1 23:21	130:2 138:19	153:8 159:8
<b>fact</b> 17:20 46:8	88:20 103:2	75:10 127:8,16	158:15 161:9	161:8 168:19
46:12 48:18	121:8,14 151:3	139:19 140:4	166:14,18	168:19 173:13
53:18 55:7,15	152:13 157:14	189:5 263:2	173:13 175:11	181:13 187:10
56:21 57:19	188:5 201:12	<b>feel</b> 18:7 102:10	180:21 192:22	188:18 198:16
59:21,22 84:15	202:19 226:15	102:15 140:20	194:9,17	205:22 207:6
103:5 105:20	233:6	162:9,17	208:22 209:18	217:20 219:7
109:3 124:1	<b>family</b> 16:20	163:22 179:11	209:22 212:10	228:4 231:22
129:16 169:11	88:13 115:2	228:10 246:4	215:2,8 237:20	236:22 245:14
171:6 211:18	157:20 164:8	261:11 263:10	238:10 257:6,6	261:14 262:2
219:1 226:3	171:2	283:7 289:7	264:10,11,14	263:5,17
234:12 250:13	<b>far</b> 45:6 47:9	<b>feinberg</b> 36:8,12	268:3 277:13	264:10 277:14
250:14 256:13	48:5 79:17	36:16 37:4	280:15 281:8	282:11
257:20 258:7	81:4 87:16	102:14,15,22	<b>finding</b> 131:17	<b>fit</b> 94:10 219:16
270:18 274:4	96:16 153:22	103:5,10 139:4	274:5 277:12	<b>five</b> 11:2 17:16
284:12	171:14 183:21	139:8 182:17	<b>findings</b> 21:17	23:10 45:2
<b>factor</b> 167:16	189:16 246:13	183:11,14	58:1 119:16,17	47:8 53:11

60:7 68:3	<b>flaw</b> 90:17	<b>foremost</b> 245:14	238:18	252:9,15 253:4
74:20 77:3	225:20	277:14	<b>friday</b> 19:9	253:8,14 254:5
80:3 86:22	<b>fledged</b> 263:8	<b>form</b> 123:14	26:12 51:15	254:13,19
93:14 101:9	<b>flip</b> 230:11	236:11	103:6 183:19	255:12,17
107:13 114:19	<b>florida</b> 2:7 90:16	<b>formal</b> 10:15	<b>friedman</b> 3:8	256:18 260:5
121:2 129:10	248:9	190:22 191:8	10:2 19:17	261:9 263:17
134:22 142:17	<b>floyd</b> 170:20	220:15 222:11	185:17,19	265:16 267:21
150:22 157:17	<b>fob</b> 175:2	224:5 255:22	186:6,11,17	268:4,15 269:2
164:5 170:13	<b>fobs</b> 194:22	<b>formally</b> 35:13	187:3,8,9,17	271:17 272:21
177:15 178:7	<b>focus</b> 4:7 87:16	115:16	187:19 193:20	274:14 275:10
185:20 189:8	118:17,17,17	<b>former</b> 31:20	195:16,19,22	275:13,22
193:19 203:1	142:22 239:3	32:22	196:7,18 197:4	276:4,21 277:6
211:6 220:1	264:2	<b>forth</b> 15:17 30:2	198:8 200:2	278:11,17,22
226:20 233:22	<b>focused</b> 78:2	119:10 187:15	201:1,17 203:3	279:4,6,21
240:5 248:9	90:7 188:19	272:9	203:22 204:9	281:17,21
255:15 262:10	194:2 219:3	<b>forthcoming</b>	204:17,20	282:10,19
269:9 276:9	<b>focuses</b> 168:17	234:14 250:7	205:1,20	284:2,14
283:22	<b>focusing</b> 87:5	<b>forthright</b> 75:17	206:19 207:1,6	285:10,13,17
<b>fiveinch</b> 262:2	<b>folks</b> 54:10	<b>forward</b> 11:1,7	208:5,20 209:5	285:22 286:10
<b>fiveminute</b> 30:4	141:11 154:5	23:4 33:5	209:8 210:14	287:6,14,17,22
185:18 187:18	200:3 262:17	36:10 55:22	210:21 212:5	288:7 289:2,11
<b>livestart</b> 90:9	269:16 271:13	75:14 111:17	212:12 214:22	289:19 290:5
<b>fix</b> 4:18 5:5 8:20	<b>follow</b> 21:8	140:2,9 192:4	216:3 217:1	290:10,13
8:21 15:8 22:1	161:21 235:2	198:5,7 202:10	218:20 219:1,6	291:21 292:9
24:20 25:20	237:17 266:19	209:21 214:10	220:3,11,17	<b>friend</b> 130:5
44:6 58:20	266:20 286:8	230:4 242:2,5	221:2,10,17,22	217:13
59:17 98:18	286:17 288:17	247:1 261:16	222:13,19	<b>friends</b> 31:18
131:16 133:19	<b>following</b> 94:15	261:17 280:12	223:2,6,19,22	115:3 188:6
133:21 138:20	228:21 269:14	<b>found</b> 18:12	224:8,12,22	<b>frightening</b>
140:6,9 161:4	<b>follows</b> 21:21	37:18 91:13	225:3,7,13,17	37:22 235:13
161:6,10,13	29:21 187:12	123:10 128:22	226:6,22	<b>front</b> 99:15
168:1,1,2,2	221:14	131:19 164:19	227:10,21	109:12 206:2
172:19 173:17	<b>followup</b> 52:20	179:11 191:2	228:1,6,13,17	227:14 259:15
174:15 195:2	<b>force</b> 12:11 15:9	205:6 249:2,16	229:4,14,17,22	<b>frontal</b> 110:6
264:11,14	45:21,21 50:6	275:15	231:18,22	<b>frustrated</b> 158:3
282:5	62:3 100:1	<b>four</b> 6:6 46:12	232:3,14 233:9	<b>frustrating</b>
<b>fixed</b> 19:1 25:3	172:7 231:2	46:18 111:5	233:15,20	157:21
31:10 58:12	257:22 258:3	158:20 256:3	234:2,9,16	<b>fuel</b> 109:7,7
131:20 192:20	285:20	<b>fourth</b> 249:22	236:7,20 238:7	194:3 231:16
215:6 282:13	<b>forces</b> 259:22	<b>fourway</b> 110:21	239:4 240:7,18	<b>full</b> 17:16 23:9
<b>fixes</b> 188:21	<b>ford</b> 18:5,19	<b>frame</b> 97:4	241:9 243:2,7	24:4 33:11
<b>fixing</b> 17:8 33:5	21:2 23:15	<b>frederick</b> 2:18	243:10 244:1	42:14 53:10
<b>flag</b> 99:11 199:9	151:9 152:8	<b>free</b> 32:4 281:15	244:12 245:10	60:7 80:9
270:11,12	158:21	281:15	246:7,14,19	104:12 119:13
<b>flags</b> 7:4 26:20	<b>forefront</b> 151:5	<b>freeofcharge</b>	247:20 248:6	119:20 120:3,6
250:4 266:1	152:14 157:7	34:4	248:11 250:14	120:8,10,16
271:21	<b>foregoing</b> 293:7	<b>freeway</b> 174:22	250:19 251:14	129:5 153:12

171:7 211:6 263:8 <b>fully</b> 21:22 26:3 31:5 32:10 96:8 203:9 226:1 <b>function</b> 137:18 160:11 203:19 233:12 <b>functional</b> 55:3 58:18 <b>functionality</b> 39:7,17 67:7 82:20 83:4 <b>functioned</b> 154:19 <b>functioning</b> 273:14 <b>fund</b> 182:19,22 183:10 <b>funding</b> 27:13 <b>further</b> 48:13 49:3 184:21 189:13 190:17 197:16 214:18 265:15 293:12 <b>future</b> 9:5 27:20 31:13 80:22 131:1 142:9 152:6 213:21	75:4,10 76:19 77:1,8,15 80:7 81:16 82:16 85:9 89:19 90:5,6 91:22 93:8,21 95:10 108:5 109:4,18 110:2 111:7,20 115:22 116:9 121:22 122:6 126:13 129:14 133:14 134:6 140:19 142:19 153:18,21 154:5,12 164:22 168:9 169:3,7,11 184:21 188:18 188:19 189:3,7 192:17 193:3 201:3 205:5 206:21 207:18 209:10,19,21 212:14 217:22 227:4,7,17 228:7,8,19 231:1,19 246:8 248:1,6 252:18 253:7 256:1,17 261:13 263:21 267:2,14,17 273:1 274:15 275:3 <b>generally</b> 165:14,19 <b>generate</b> 268:9 <b>generation</b> 35:6 <b>gentleman</b> 23:7 28:1 60:4 80:1 92:20 107:10 107:12 120:21 121:1 128:4 150:21 164:3 170:12 181:7 218:11 226:17 240:2,4 248:8 269:6 276:7	283:18,19 290:22 <b>gentlemen</b> 17:13 67:10 86:21 150:20 262:8 <b>georgia</b> 2:10 91:3 107:13,20 108:13 226:20 273:17 <b>germane</b> 217:21 218:3 <b>getting</b> 33:11 34:19,20 47:22 53:2,7 54:15 96:13 113:1 129:4 130:21 161:17 178:3 209:9 211:13 215:6 248:3 270:13 <b>gingery</b> 232:13 <b>gingrey</b> 2:10 107:13,14 109:21 110:2 110:11 111:20 112:6,20 113:7 130:4 226:19 226:21 227:22 228:3,7,14 229:2,10,15,20 230:9 231:22 232:2 233:14 <b>girl</b> 231:9 <b>give</b> 10:3 30:4 56:8 103:1 119:15,22 131:4 187:17 215:15 217:5 218:1 221:4 253:6 <b>given</b> 42:8 50:10 139:3,11,15 141:11,12 183:22 206:17 247:12 256:13 258:10	<b>gives</b> 198:22 <b>giving</b> 9:3 95:6 140:4 <b>gleaned</b> 255:8 <b>global</b> 28:12 32:13 58:14 82:13 88:6 92:5 105:15 117:3 <b>globe</b> 155:6 <b>gm</b> 1:8 4:3,16,18 5:1,4,6,10 6:12 6:13,16 7:2,5,7 7:11,13,14,17 7:19 8:1,3,11 8:12,18,19 11:19,22 12:4 12:13 13:6,19 14:8,12,17,20 15:5,18,21 16:5,12,17 19:7,11 20:11 20:19 22:9,13 22:18,20 23:2 24:18 25:6,8 25:15,19,22 26:2,4,11 27:1 27:15 30:17 31:14 32:20 33:3,7 35:2,4,6 35:9 36:3,21 38:4,8,10,15 38:16,22 40:6 40:10,11,20 41:4,6 42:17 42:18,21 43:11 43:21,22 44:8 45:5,12,16,17 46:5,10,22 47:10 48:1,5 48:22 49:10 50:3 51:1,22 53:21 54:3 55:21 57:8 59:1,20,22 60:11 61:4,16 62:1,5,7 66:18	67:14 68:7,9 68:22 69:3 73:9 76:5,11 78:20,22 79:10 86:3 88:3,10 88:14,16,18,21 89:1 90:17 91:5,8 93:2,12 94:3,9,11 100:14 101:19 101:19,22 102:1,2,8,22 103:20 104:6 104:22 106:3 112:8 115:11 116:1,11,16 123:11,19 124:4 127:6,10 128:2,10 129:16,21 131:3,9,14 132:22 136:17 137:11 138:7 139:21 140:4 142:4 143:21 144:22 145:2 146:1,22 148:4 148:9 149:21 152:9 154:6 155:5,19 158:1 158:11,22 159:2 161:6 165:4 166:11 171:11,13,19 172:2,11,17 173:1,10 174:5 174:10,12 175:2,3,12,14 175:22 176:12 176:18 177:1 178:10 180:19 183:9 184:13 188:4 200:18 200:19,22 201:7 203:18 204:16 206:12 206:16 208:2
<b>G</b> <b>g5</b> 132:6 <b>game</b> 9:8 <b>gas</b> 82:6 <b>gasoline</b> 265:3 <b>gathered</b> 18:9 254:10 <b>gees</b> 286:6 <b>gene</b> 2:11 <b>general</b> 3:5 4:12 10:12,16 24:6 28:6 30:14 32:1,14 35:18 37:20 44:12,19 54:19 60:16 73:12,13,13				

208:18 210:18	262:18 272:16	208:18 219:15	194:2	198:4 201:12
212:7 215:22	274:8 281:11	219:18 229:6	<b>growing</b> 171:8	217:5 236:21
220:20 221:6	282:2 286:13	261:19 263:1	<b>grown</b> 214:5	237:3 262:5
229:13 230:10	288:12	267:20 281:18	<b>guess</b> 55:11	275:15
234:14 235:22	<b>goal</b> 21:20 98:19	<b>gotten</b> 231:14	105:21 130:21	<b>happening</b>
237:2 245:3,22	153:10 168:6	246:3	131:9,21 135:9	121:18 123:8
246:1,4 247:15	215:1 237:19	<b>gov</b> 281:11	228:15 241:7	130:3,13
248:11,14	<b>gobbledygook</b>	<b>government</b>	245:1 279:20	200:10 208:18
249:20 250:4,7	83:12	5:12 8:22	<b>guys</b> 112:13	213:18 249:7
250:8,12 251:1	<b>goes</b> 9:12 55:4	139:20 140:4		<b>happens</b> 59:18
251:8 252:6	153:19 159:13	150:8 195:18	<b>H</b>	83:6 133:4
259:8 262:21	162:12 257:2	201:13	<b>h</b> 2:12	167:7 175:10
265:10 267:4	280:2	<b>governmental</b>	<b>half</b> 62:16	268:16 280:1
273:7,11,19	<b>going</b> 10:22 11:7	150:4	145:15 158:21	<b>happy</b> 37:5
274:1 288:22	17:2,2,3 21:9	<b>grave</b> 91:21	191:3 202:5,7	<b>hard</b> 24:18
289:4	22:16 52:5,7,9	<b>gravest</b> 91:18	241:13 271:22	105:7 135:9
<b>gmrequired</b>	52:11,12 53:3	<b>great</b> 93:1	<b>hall</b> 35:12	151:22 156:6
62:18	56:5 58:19	<b>greater</b> 133:14	<b>hand</b> 29:13	213:17 285:8
<b>gms</b> 6:19 11:16	63:4,9 65:12	<b>greatly</b> 188:7	187:5 293:15	285:15,16
13:3,5 19:15	68:8,17,18	193:16	294:2	<b>harder</b> 135:20
26:9 50:15	69:9 71:13,14	<b>green</b> 2:11	<b>handicap</b> 26:21	140:16
51:8 62:13	72:17 73:4	129:10,12	<b>handle</b> 101:20	<b>harm</b> 147:20
66:20 77:11,20	79:11 80:9,13	132:16 133:21	192:4	190:16 260:19
78:10,14 79:13	80:17 88:2	134:8,14,17,20	<b>handled</b> 284:15	261:19 262:1
87:17 88:4	89:14 98:3	194:2 233:21	<b>handles</b> 168:10	<b>harmed</b> 88:13
91:16 103:16	105:7 108:1	234:1,14 235:7	<b>handling</b> 36:13	<b>harper</b> 2:13
171:4,18 183:6	121:17 123:2	238:3,17	54:13	164:5,7 165:16
247:21 270:3	125:15,17	239:13 277:2	<b>hands</b> 68:15	165:21 166:2,6
273:5	126:21 128:6	<b>gregg</b> 2:13	115:9	166:10,17
<b>go</b> 15:15,17	133:22 140:11	<b>griffith</b> 2:12	<b>happen</b> 7:6 9:18	167:4,14,19
20:14 53:9	152:20 156:14	134:22 135:1,7	17:4 22:2 32:9	168:5,18 169:2
62:17 64:11	161:10 162:14	135:9,16 136:3	54:16 55:19,19	169:19 170:8
74:8 82:9	163:7 168:8,16	136:14,20	119:1 129:3	170:10
113:22 125:13	169:12 173:17	137:1,4,13	153:6 162:21	<b>hasnt</b> 89:18
131:22 140:9	176:4 180:14	138:4 139:1,11	237:6 239:11	168:11
151:20 154:3,4	180:17 181:17	139:17 140:13	264:10 271:15	<b>havent</b> 161:18
154:14 156:17	181:21 184:2	140:22 141:9	<b>happened</b> 17:3	184:7 274:21
162:7 164:9,12	185:18 192:4	141:19,21	24:16 41:19	<b>head</b> 10:1 89:15
166:21 167:5	202:9 235:4	142:2 269:8,10	47:15 54:17	99:21 227:16
167:12 168:1	241:14 251:5	272:20 273:2	59:16 68:20,21	227:17 279:14
168:18 173:19	251:22 262:17	275:6,11,21	73:18 74:11	<b>headon</b> 99:3,6
178:14 188:10	264:22 281:13	276:1,5	75:12 84:19	111:2 259:6,11
195:10,12	<b>good</b> 105:22	<b>gross</b> 197:13	101:20 104:12	261:2
198:7 204:6	108:2 130:5	<b>group</b> 55:4	110:16 126:1	<b>health</b> 80:22
213:21 216:16	149:2 155:2	165:3 287:20	132:3 133:13	<b>hear</b> 9:8 10:21
222:4 242:4	156:16 190:16	287:21	134:14 162:13	30:11 35:21
260:17 262:16	193:1 208:15	<b>groups</b> 6:17	166:19 167:5	73:4 120:19



146:17 180:17 236:13,13 239:19 277:19 <b>heard</b> 11:3 16:4 23:19 43:12 60:10 108:8 129:22 130:4 151:7,10 <b>hearing</b> 1:15 4:2 10:10 13:10 20:2,3 22:8 23:15,17 24:13 28:4,21 29:10 87:4,16,19 88:13 92:16 96:14 107:15 108:3 115:7,17 121:4 142:22 171:3 185:20 186:13 217:21 240:8 262:14 291:7,17,22 292:8 293:6 <b>hearings</b> 11:4 18:4 276:19 <b>heart</b> 35:18 <b>hearts</b> 37:15 164:9 <b>heavier</b> 130:17 <b>heavy</b> 5:3 12:18 139:22 <b>held</b> 23:15 28:10 35:12 118:2 125:22 <b>hell</b> 119:22,22 <b>helm</b> 22:18 <b>help</b> 15:7 32:8 36:9 97:16,22 182:18 183:7,8 183:15 226:13 231:2 281:9,12 <b>helped</b> 128:3,11 188:15 206:13 206:18 242:1 246:2,5 <b>helpful</b> 163:16 252:8 253:22	254:12 <b>helping</b> 68:15 <b>henry</b> 2:19 <b>heres</b> 11:18 139:1,1 <b>hereto</b> 293:13 <b>hereunto</b> 294:2 <b>hes</b> 128:6,7 165:16 183:4 218:12 247:11 <b>hesitation</b> 31:9 69:14 <b>hey</b> 156:16 231:12 239:2 265:6 282:6 <b>hhr</b> 132:5 <b>high</b> 4:20 14:14 17:20 43:13 96:8 105:19 173:5 174:15 235:14 238:20 <b>higher</b> 132:2 146:6 179:16 197:3 199:7 <b>highest</b> 35:10 92:7 181:18 <b>highlevel</b> 62:13 176:11 <b>highlight</b> 247:13 247:21 <b>highlighted</b> 284:7 <b>highly</b> 36:12 <b>highway</b> 5:13 10:14 23:22 25:12 27:2 95:8 108:17 127:1 153:2,4 156:7,21 163:11 175:18 186:4 188:15 248:17 249:6 250:5,12 256:5 277:7 279:10 <b>highways</b> 235:15 <b>hill</b> 22:22	<b>hindsight</b> 85:2 263:9 268:22 269:3,15 274:7 <b>hire</b> 112:7 183:3 <b>hired</b> 41:21 102:13 183:4 183:13,14,18 183:20 <b>hiring</b> 102:22 183:6 <b>historic</b> 188:16 <b>history</b> 80:12 89:1 90:2 91:19,21 153:19 158:12 <b>hit</b> 37:18 96:18 97:11 98:4 251:6 285:9,16 <b>hitting</b> 25:11 <b>hold</b> 32:10 105:12 106:19 115:9 132:1 138:2 189:7 209:1,21 235:4 <b>holding</b> 28:21 108:4 138:4 186:12 <b>hole</b> 15:16 230:21 <b>home</b> 282:2 <b>honest</b> 252:15 <b>hood</b> 90:22 91:13 <b>hope</b> 9:7 80:18 105:9 113:7 133:3,15 144:12 156:20 158:2 178:13 184:18 209:2 <b>hopefully</b> 108:2 152:17 171:10 <b>horizon</b> 182:20 <b>horrific</b> 108:16 <b>hospital</b> 97:15 <b>hour</b> 98:3 258:22 259:13 261:2,3 267:17	<b>house</b> 1:2 29:6 186:20 <b>houston</b> 131:7 <b>human</b> 239:5 <b>humanize</b> 238:9 <b>hundred</b> 18:16 33:17 97:1 117:20 146:9 155:7,8,14 259:13 264:19 <b>hundreds</b> 16:13 209:9 <b>hyundai</b> 99:21 256:7,15 257:1 259:7,10,18 260:1 <hr/> <b>I</b> <hr/> <b>id</b> 11:5 13:8 14:4 14:22 21:11 75:18 127:3 147:20 156:5 159:19 179:21 208:8 283:10 283:15 <b>idea</b> 160:19 219:15,19 <b>ideally</b> 264:9,13 <b>identical</b> 259:21 260:1 <b>identification</b> 91:13 <b>identified</b> 14:12 19:1 25:9,15 33:4 42:10 141:6 168:1 244:11 245:15 248:1 284:5 <b>identifies</b> 188:20 <b>identify</b> 9:17 21:22 26:18 32:16 64:12 128:3,11 140:6 183:7 192:19 206:14,18 234:5,8 239:2 246:2,5 284:12	<b>identifying</b> 192:10 193:6 <b>ignition</b> 1:8 4:3 4:11 5:5,7,16 7:1,3,14,19,21 8:1 11:20 12:7 12:20 13:3 14:9 16:13 19:8 20:13 24:8,21 25:13 26:4,7 37:21 40:11,19,22 41:4 42:19,22 43:1 45:6 46:9 50:4 51:2,10 51:17 53:22 54:2 55:7 59:2 59:4,5,22 60:11,15 61:6 61:15 62:17 65:20 76:7,13 76:17 77:2,9 77:16,22 78:9 78:14 81:4 84:9 95:20 103:17 106:3,8 108:7,18 109:5 110:12 112:11 113:17,18 122:9,18,20 123:22 124:11 126:10 131:2 137:17 143:3,7 152:10 155:2,9 155:15 156:1 156:18 158:7,7 158:10,12 159:1,4,6,7,12 159:19,20 160:5,6 165:2 165:6,8,13,17 168:20 171:4 172:7,12 175:8 177:7 178:2,12 179:1,6,14 180:13 181:14 182:5 188:4,21
---	---	---	---	--

193:5 203:6,11 205:18 206:4 207:8,20 216:6 216:14 218:17 225:11 231:3 231:21 235:10 236:2 245:16 248:13,20 249:2,18 250:3 250:17 251:4 252:11,19 263:11 270:21 285:5 286:7 289:8 <b>ignitions</b> 42:9 114:14 131:1 <b>ill</b> 20:1 29:14 131:17 134:17 210:14 219:16 221:4 228:5 <b>illinois</b> 2:16 116:3 293:1 294:6 <b>im</b> 27:6 32:11 35:3,6,7,7 36:7 39:20 40:2 44:22 46:7 47:8,21 49:10 54:7 57:11 60:20 66:13 71:2,7 81:11 81:13 87:13 94:2 95:14 104:16 107:21 112:17 115:14 119:8,12,21 120:17 123:2 132:10 137:14 141:8,10 143:19 145:1 146:19 147:6,6 147:8 148:18 149:17 153:17 156:13 162:8 165:19 166:5 177:22 180:3,4 180:7,10,11,16	180:18 182:16 183:6 199:12 200:12 202:20 213:20 221:2 243:7 245:12 245:12 247:20 247:22 262:17 266:14,14 273:21 282:15 285:10,11,13 285:13 289:4 290:7 <b>image</b> 194:15 <b>imagine</b> 37:22 130:20 151:12 156:11 260:21 261:1 <b>immediately</b> 37:19 70:3 <b>impact</b> 97:6 99:6 109:12,13 109:22 116:11 169:13 249:19 257:19 259:22 262:2,5 285:21 <b>impacted</b> 7:21 121:9 139:18 257:18 <b>impacting</b> 261:1 <b>impaired</b> 232:16 <b>implement</b> 25:19 165:2 <b>implemented</b> 165:9 <b>implications</b> 107:5 <b>implies</b> 65:21 <b>implying</b> 273:4 <b>important</b> 7:10 10:10 22:11 23:1 44:18 52:19 59:14 85:7 87:18 88:8 121:15 125:12 176:18 192:22 197:14 200:19 201:7	201:11 204:20 221:11 244:7 255:4 263:20 263:22 276:20 280:5 <b>importantly</b> 118:12 207:17 <b>impossible</b> 142:20 <b>impressed</b> 182:16 <b>impression</b> 261:11 <b>improve</b> 10:22 27:18 157:3 191:19,21 192:9,18 193:14 264:4 <b>improved</b> 11:6 135:21 <b>improvements</b> 157:6 268:11 <b>improving</b> 188:13 <b>inadequate</b> 172:2 <b>inadvertent</b> 230:15 <b>inadvertently</b> 175:7 <b>inappropriate</b> 166:16 <b>inaudible</b> 208:1 <b>inauspicious</b> 66:15 <b>incident</b> 47:11 48:7 54:21 92:2 158:14 215:12 <b>incidents</b> 6:14 47:15 111:19 173:21 263:6 <b>include</b> 103:12 110:3 111:7 184:5 231:6 <b>included</b> 109:18 169:21 285:1	<b>includes</b> 22:15 108:9 221:19 <b>including</b> 20:20 35:5 165:4 191:15 274:1 <b>inclusive</b> 293:7 <b>inconceivable</b> 73:20,21 <b>inconclusive</b> 190:8 200:8 213:15 224:14 <b>increase</b> 5:7 14:18 27:13,13 40:13 50:6 147:16 166:3,7 173:8 <b>incredibly</b> 263:22 <b>incumbent</b> 75:9 <b>indented</b> 97:10 <b>independent</b> 125:12 <b>india</b> 106:17 <b>indicated</b> 111:14 135:3 136:4 169:19 175:21 200:9 206:1 230:5 274:19 284:19 287:9 288:10 <b>indicates</b> 102:22 209:19 215:15 229:8 244:5 273:3 <b>indicating</b> 193:6 <b>indication</b> 257:7 273:5 <b>indications</b> 270:3 273:19 284:5 <b>individual</b> 56:4 96:22 118:10 136:5 <b>individuals</b> 22:10 72:15 103:2 112:3 181:3	<b>inducing</b> 90:4 <b>industrial</b> 81:11 132:18 <b>industry</b> 20:8 82:6 189:18 193:13 <b>inference</b> 144:8 <b>influence</b> 238:1 <b>influenced</b> 212:22 <b>inform</b> 59:22 112:9 178:6 188:22 208:3 209:3 250:12 <b>information</b> 8:14 12:1 16:11 18:13 20:22 26:1 27:1,5,11 33:14,20 40:21 47:22 53:19 58:5,9,10 66:6 69:10 71:15 74:9 78:4 83:3 84:6,12 95:9 95:15,19 100:21 101:3 104:2 112:4 115:7 118:5 120:5 126:15 126:16 128:2 128:10,16,20 132:15,17 134:18 142:7 142:12 146:15 150:7 159:20 161:18 163:4 163:21 170:5,7 181:1 189:20 193:2,4,9 194:19 195:4,6 195:8 198:6,11 198:13,14,16 201:8,10 202:2 202:11 203:8 205:7,22 206:13,16
---	---	--	--	--

207:22 208:13	<b>initiated</b> 256:13	172:17 189:10	100:20 104:1	213:14 214:2
209:18,19	<b>injection</b> 109:8	<b>interviewed</b>	104:12 106:11	215:12 220:7,8
210:1,17,20	<b>injured</b> 31:18	72:15	106:12 107:2,6	221:1,9 222:11
211:10,18	75:3,8 96:20	<b>interviews</b>	115:8,18 116:6	223:16 226:8
212:8,10,15,20	103:12 149:9	184:21,21	118:7 124:21	227:2 229:12
213:6 216:1,5	<b>injuries</b> 6:6	<b>introduce</b> 28:3	125:12,14,17	241:11 250:1
216:9,14,19,22	97:17 170:2	35:13	126:19 127:6	272:2 288:4
217:2,8,17	171:7 258:12	<b>introduced</b>	127:12 128:14	<b>investigative</b>
219:11 222:2,6	263:13 277:9	18:18 177:3	136:12 137:7	28:21 186:12
223:10 224:2	<b>injury</b> 110:5	291:3,10	137:14 143:10	240:8
224:13 225:9	111:9 150:2	<b>introducing</b>	144:1,12	<b>investigator</b>
225:14 226:10	190:3 198:17	27:6	166:22 169:1	271:6,9,12
227:4 229:21	224:20 270:9	<b>invent</b> 156:18	171:9,10	287:2
230:7 234:22	<b>input</b> 32:20	<b>invest</b> 214:3	172:16 173:20	<b>investigators</b>
235:3 236:10	<b>inquiries</b> 225:22	<b>invested</b> 191:21	178:14 180:22	272:15 286:13
237:16,18	<b>inquiry</b> 47:11	<b>investigate</b> 5:21	182:21 184:14	286:17 288:10
241:10,22	48:6,12 248:16	6:8 8:7 99:11	190:7,22 191:8	<b>investing</b> 214:4
242:18 243:1,3	<b>insert</b> 15:13,21	111:21,21	194:20 196:4	<b>investment</b>
243:5 246:1,4	230:20	197:21 211:22	198:3,5 201:19	140:12 240:20
246:7,8,11,16	<b>inserts</b> 15:7,14	212:4 222:16	206:3 208:21	<b>investors</b> 140:3
246:18 247:12	<b>inside</b> 12:9	<b>investigated</b>	209:7 212:13	<b>involved</b> 36:14
247:14 248:4	121:22	203:3 247:5	214:14 216:17	109:12 148:4
249:8 250:20	<b>inspector</b>	249:11 258:7	220:13,16	148:21 150:10
251:11 252:3	192:17	<b>investigating</b>	221:13 222:10	181:4 183:17
252:18 254:14	<b>installed</b> 24:21	6:11 19:5	222:15 224:6	184:22 190:12
254:15,16,20	26:8,13,15	108:4 176:1	224:13 225:10	194:1 199:19
255:7 258:10	65:4,9,17	189:2 203:15	232:8 234:18	223:10 241:12
260:14 266:11	66:19 76:13	219:4	235:1 236:2	<b>involves</b> 31:1
268:21 273:22	<b>instance</b> 117:3	<b>investigation</b>	240:13,15,17	<b>involving</b> 149:7
274:13 275:2	<b>instant</b> 283:5	4:2,8 9:15,19	241:15 242:2	188:4 236:8
279:6 280:6	<b>instructed</b>	10:20 11:3,15	245:3 247:2	<b>ion</b> 13:16 22:20
281:6 283:8,12	230:19	15:5 18:17	249:1 250:8	132:6,6 145:18
286:15,21	<b>instructions</b>	21:6,16 27:17	252:14 255:9	190:4 227:3
289:21	113:2	31:22 41:22	256:1,6,14	<b>ions</b> 60:12 61:18
<b>informed</b> 13:4	<b>integrity</b> 92:7	42:7,15 43:4	263:9 265:15	171:19 222:18
13:22 46:10	<b>intend</b> 10:22	43:17 44:11	271:1 284:9	<b>iowa</b> 2:6 88:13
59:21 63:20	<b>intending</b> 51:22	45:10 46:7	285:2 286:12	<b>irate</b> 233:6
203:9 207:8,13	<b>intercedent</b>	47:18 49:7,14	286:19 287:9	<b>irrelevant</b>
<b>inherently</b>	100:2	52:22 54:8	290:6	143:14
132:20	<b>internal</b> 6:3	56:17 57:11,22	<b>investigations</b>	<b>irrespective</b>
<b>initial</b> 106:8	16:16 25:1	59:12 68:17	1:5,17 10:16	209:3
131:2 139:8	100:20 144:11	72:16 73:2,17	14:9 16:16	<b>isnt</b> 88:22 90:1
141:12 221:19	185:10 220:3	74:8 75:15	20:16 25:1	135:22 140:17
222:16 224:17	242:14,21	78:2,17 80:8	49:3 125:15	267:22 276:3
266:8	248:16 255:9	84:15 86:16	189:18 192:9	<b>issue</b> 6:9 14:10
<b>initially</b> 10:17	264:17 265:9	92:10 95:14	200:6,7 202:6	15:5 18:1 21:1
14:8 238:4	<b>internally</b>	98:15 100:13	203:13 213:5	21:21 22:17

42:11 44:3,6 54:13,20,20,20 54:21 55:2 64:10,10 69:3 69:10,13,17 70:12 72:6 74:6 98:13 99:13 103:22 126:8 130:20 132:12 140:6 140:11 141:3,3 141:6 143:8 151:9,11 152:16 161:2 163:4 167:22 168:4 169:22 171:12,22 173:16 175:19 176:17 177:3,6 177:8 179:12 181:2 191:11 193:11 203:16 210:12 226:11 231:15 236:3,3 250:6 255:4 256:10,11,20 260:6,7 271:18 276:20 279:17 287:7 <b>issued</b> 19:7 49:15,20 51:7 51:9 109:4 126:9 175:4 230:10 <b>issues</b> 21:15 32:17 33:4 80:15 106:15 106:17 132:4 132:11 139:13 139:18 142:5 149:14 158:15 168:11 169:13 197:5,17 227:3 235:10 248:22 277:10 283:12 <b>item</b> 289:8 <b>items</b> 49:17	224:1 248:1 289:10 <b>ive</b> 31:20 32:12 41:12 42:16 46:2 82:3,5,7 87:7 89:21 92:1 102:3 123:14 128:12 128:21 129:16 129:17 137:22 158:5,20 173:14 181:13 229:18 239:7 258:6 262:14 280:20 282:7  <b>J</b> <b>j</b> 3:8 187:9 <b>janice</b> 2:16 <b>january</b> 28:7 69:7 70:1 95:22 96:11 122:20 126:4 143:12 177:4 <b>jarring</b> 100:3 <b>jeff</b> 32:15 58:13 88:5 <b>jerked</b> 49:2 <b>jimmy</b> 154:6,8 <b>job</b> 66:14 106:21 133:18 136:6 215:7 240:21 263:1 266:7 271:20 <b>joe</b> 2:4 <b>john</b> 2:9,21 <b>join</b> 75:6 <b>joined</b> 229:17 <b>joining</b> 21:13 <b>journey</b> 119:2 <b>jr</b> 2:9 <b>judged</b> 34:22 <b>judgment</b> 159:5 270:8 <b>judicial</b> 107:20 <b>july</b> 102:4 170:21 227:16	228:15 257:14 <b>jump</b> 169:8 <b>june</b> 13:15 101:22 170:18 <b>jurisdiction</b> 178:4 <b>justice</b> 133:10  <b>K</b> <b>katherine</b> 2:7 <b>keep</b> 7:17 21:19 33:6 129:20 139:21 149:11 150:3 189:1 219:9,13 <b>keeping</b> 151:4 152:13 <b>kelly</b> 37:12 <b>ken</b> 109:14 <b>kenneth</b> 36:8 182:17 <b>kentucky</b> 2:21 <b>kept</b> 265:3 <b>key</b> 4:13 5:8 12:1,17,21 13:18 15:7,14 15:16,21 47:12 48:7 95:20 96:9 113:17,18 114:5,8,8 130:17,18,19 154:13,15,17 154:19 158:7 158:12 159:7 160:6 175:1,8 194:22 201:12 218:17,17 230:15,20 231:21 251:6 272:10 <b>keychain</b> 12:18 12:19 49:18 154:17 <b>keychains</b> 5:4 8:4 <b>keys</b> 8:8 15:11 15:16 49:2,5	154:18 218:16 231:4 233:18 <b>killed</b> 75:3,8 108:15 170:16 170:18,20 171:4 231:11 <b>kind</b> 103:1 138:7 183:10 201:15 279:8 279:11 <b>kinds</b> 204:13 <b>knee</b> 4:14 12:21 25:14 41:2,17 231:4 251:6 <b>knew</b> 12:13 15:22 22:14 23:20 24:22 27:1 38:4 45:5 45:13 46:5 64:21 72:21 103:17 105:11 105:21 151:13 171:13 172:17 174:11,13 177:5 248:12 270:19 287:11 <b>knocked</b> 110:13 <b>know</b> 7:4 9:13 9:13 11:5,18 11:18,21,22 12:2 13:1 16:10,20,21 17:10,19 22:14 22:16,19 24:11 24:17 35:2 36:4 37:9 39:8 40:9 42:2,5 44:3 45:12 46:5,20 47:16 47:19 50:22 54:9,12 55:6 56:1,3,16,18 56:19 57:11 59:11,17 60:2 61:2 63:14 66:14 71:22 74:18 81:19	82:10 84:19,20 84:21 86:14 88:21 89:10 95:16 96:12 106:2,7 108:15 110:20 112:13 115:17 119:22 120:7 123:6,6 123:6 124:15 124:16,20,22 125:2,3 129:19 130:3 132:1,2 136:4,6 138:6 143:11 147:4 147:11,19 148:18,22 151:14 152:3 153:13 155:11 155:18 157:21 158:14 159:10 160:8,11 161:4 161:10 162:1,9 162:13,15,16 162:17 164:11 164:13 167:14 169:7,17 171:6 171:13 173:10 175:12 176:19 177:7 192:2,17 201:2,9,12,15 202:16,19 203:7 208:16 210:1,8,11,16 211:3,8,14 216:18 217:9 219:19,20 228:5 229:14 230:9,21 231:13,13 232:17,19 233:1 236:15 238:8,17,19 239:17,21,22 240:10 244:22 245:6,22 246:13 247:2 247:18 251:17
---	---	--	---	--

251:20 252:16	<b>language</b> 179:20	136:12 138:1	86:8,12,12,13	<b>list</b> 119:6,9,12
253:19 257:10	241:5	144:1 153:9	122:2 124:12	129:17 244:16
258:6,14	<b>large</b> 96:22	169:1 172:16	132:2 179:16	281:1
263:12,13,15	199:1 239:6,9	178:14 194:14	263:6 264:7	<b>listed</b> 138:12
263:18 265:5	247:4	279:10	265:8,14	251:12
265:10 267:13	<b>larger</b> 146:14	<b>learned</b> 16:12	267:13 270:10	<b>listen</b> 115:5
267:15,18	<b>largest</b> 176:17	25:20 31:8	<b>liabilities</b> 138:12	157:22 232:13
268:1,2,20	<b>lasalle</b> 293:2	47:11 48:7	139:6,22 140:1	<b>listened</b> 262:19
269:14,15,20	<b>lastly</b> 112:7	69:6 72:20	140:7,7,14	<b>listening</b> 116:3
269:20,22	<b>late</b> 18:3 42:20	81:9 106:17	<b>liability</b> 72:5	<b>litany</b> 130:11
271:3,10	66:3 69:8	126:3 128:13	104:15,18	<b>literally</b> 211:9
274:10 277:1	76:18 177:22	171:15 189:16	138:7,8,9	<b>literature</b>
277:18 279:10	<b>latest</b> 33:1	217:20 268:13	139:13,18	203:18 204:16
279:17 281:22	<b>launch</b> 176:18	<b>learning</b> 213:20	<b>liable</b> 102:3	273:12,18
287:6 289:6	190:22	266:14,22	<b>life</b> 17:22 99:19	274:2,11 275:8
290:2	<b>law</b> 19:3 27:10	<b>lease</b> 34:9	100:11 110:5	275:17,18
<b>knowing</b> 16:6,18	27:15,18 86:1	129:18	111:9 258:14	276:2
<b>knowledge</b> 51:8	127:8,17 189:5	<b>leave</b> 125:9	<b>light</b> 31:2 69:1	<b>litigation</b> 148:5
61:20 69:2	211:16,17	127:3	108:1 110:22	148:10 149:22
70:13,20 78:9	212:8 235:2	<b>led</b> 7:18 8:22	143:8,11,12	<b>little</b> 15:16
78:13 104:3	245:5 252:21	15:5 18:4	190:21 251:21	68:14 101:16
106:22 109:20	253:17,22	23:17 36:14	<b>lights</b> 197:11	108:11 151:16
115:12,15	254:17,20	60:14 189:9	<b>liked</b> 215:21	162:14 196:14
122:1 124:3	271:6,8 273:16	231:17 272:14	216:5,8,13	199:5 218:6
204:2 207:14	290:3	<b>left</b> 66:16 128:1	<b>likewise</b> 273:8	258:3 267:10
<b>knowledgeable</b>	<b>laws</b> 21:19	131:7 132:18	<b>limited</b> 82:5,6	<b>live</b> 39:9
55:1	<b>lawsuits</b> 16:15	283:15	132:5 219:11	<b>lived</b> 107:17
<b>known</b> 5:14	142:8	<b>leg</b> 251:7	<b>line</b> 4:9 34:14	<b>liver</b> 97:12
24:18 54:3	<b>lawyer</b> 130:6	<b>legal</b> 36:22	75:19 94:11	258:21
91:9 104:4	137:8 260:22	102:20 105:4	99:6 109:7	<b>lives</b> 19:1 22:11
142:8	<b>layer</b> 117:5	138:8 208:6	133:1 147:18	31:18 84:22
<b>knows</b> 36:11	118:20	<b>legally</b> 208:3	151:17 167:12	103:3 121:9
161:6 269:21	<b>lays</b> 223:14	<b>legislation</b> 22:1	231:16 243:21	124:13 143:14
<b>knudson</b> 131:18	<b>lead</b> 5:12 21:8	27:8	244:3 255:5	146:18 188:3
	96:5 173:3	<b>legislator</b> 274:9	259:11	264:14 270:10
<b>L</b>	212:21	<b>legitimate</b> 26:16	<b>linebacker</b>	277:9
12:8	<b>leadership</b> 32:7	<b>lending</b> 139:21	277:3	<b>loaner</b> 34:3,5
<b>labeled</b> 122:14	32:19 58:19	<b>lengths</b> 79:10	<b>lines</b> 34:13	218:1,13
196:9	69:12,21 70:5	<b>lethality</b> 261:8	<b>lineup</b> 90:10	281:15
<b>laboring</b> 26:20	70:15,16,19	<b>letter</b> 13:8,9	<b>link</b> 8:8 195:19	<b>loaners</b> 113:21
<b>lacerated</b>	72:14 79:10	123:14 163:2	195:21 225:15	114:2
258:21	104:4 118:13	171:22 280:2,3	245:15	<b>loans</b> 142:6
<b>laceration</b> 97:13	118:14,20	282:11	<b>linked</b> 6:22 59:5	<b>local</b> 88:15
<b>lack</b> 224:6 227:8	<b>leading</b> 79:16	<b>letters</b> 236:11	91:10 108:6	89:15 91:5
<b>lady</b> 108:12	89:9,9 227:6	239:19 280:5	225:11	107:21 233:2
133:18	<b>learn</b> 27:16	<b>letting</b> 202:16	<b>linking</b> 193:4	<b>lodge</b> 280:10
<b>lag</b> 161:13	53:16 106:11	<b>level</b> 69:5 73:12	216:14	<b>logical</b> 98:5

144:7	242:7 246:22	205:10 249:18	113:21 117:22	279:9,11
<b>lois</b> 131:8	253:17 254:6	273:10 284:5	144:20 150:16	<b>marketplace</b>
<b>long</b> 1:9 2:14 4:4	255:4 265:13	<b>losses</b> 199:18	151:21 152:1	138:20
13:14 15:13,13	266:9,16 270:1	<b>lost</b> 22:10 31:18	157:7 174:6	<b>marsha</b> 2:5
21:1 30:19	271:13 272:5	84:22 103:3	209:14 220:4	<b>mary</b> 3:4 9:22
46:5 92:2 96:6	273:17 274:10	106:21 121:8	225:20 237:3	19:16 28:5
102:11 122:16	283:2 286:14	124:13 143:14	242:14,19	29:18 30:13
129:20 138:1	287:8	169:8,8,9	264:3 268:16	236:7
150:22 151:1	<b>looked</b> 53:20	188:3 204:12	280:1	<b>maryland</b> 96:16
155:8,13,19	72:22 117:16	204:13 205:10	<b>malfunction</b>	257:13
157:9,13 158:5	146:3 170:2	264:15	18:6 232:12	<b>mass</b> 254:10
158:18 171:12	198:9 199:16	<b>lot</b> 11:4 16:20	263:7	<b>massive</b> 258:3
204:6 217:9,12	200:5 212:19	17:9 26:22	<b>malibu</b> 129:19	<b>match</b> 41:9
234:5 250:2	213:13 230:1	41:18,19 63:21	132:8 161:1	<b>material</b> 39:14
255:18 267:8	234:10 272:13	111:18 115:7	<b>management</b>	52:4 83:1
276:9,11	275:16,19	125:15 129:15	117:6	<b>materials</b> 76:3
277:16 278:14	<b>looking</b> 6:12	138:11 139:14	<b>manager</b> 28:17	79:6
278:21 279:2,5	34:6 54:16	152:21 239:10	82:4 165:3	<b>matter</b> 9:11
279:8 281:13	63:5 64:6,9	257:16 276:16	<b>manner</b> 37:3	10:10 86:3
281:18 282:1	67:3 83:3	276:18 277:19	68:9 184:19	118:10 149:7
282:15 283:14	95:14 112:4	<b>louisiana</b> 2:15	<b>manufacture</b>	149:10 233:13
<b>longer</b> 31:1	158:1 160:10	121:2 240:5	51:2	<b>matters</b> 36:13
34:12 154:19	160:16 168:8	<b>love</b> 215:1	<b>manufactured</b>	148:10
199:18	179:17 192:5	<b>loved</b> 103:2	51:10 94:9	<b>mean</b> 43:14 63:7
<b>look</b> 5:16 23:4	200:13 202:9	<b>low</b> 45:20,21	181:19	82:1 97:5
38:9 43:7 44:5	206:20 211:10	172:8 230:16	<b>manufacturer</b>	110:12 122:16
44:5 45:15	212:7 223:7	231:21 232:18	26:6 46:9	123:13 125:4
47:20 58:3	237:2,14	238:20	153:5	125:21 127:15
59:6 62:10	238:16 241:6	<b>lower</b> 97:11	<b>manufacturers</b>	135:19 141:7
63:4,10 68:19	241:17,19	<b>lows</b> 188:16	23:20 27:14	141:16 143:13
88:16 95:18	244:7 257:3		178:6 192:6,14	143:16 155:13
100:17 107:4	263:14 265:21	<b>M</b>	215:4 226:11	160:18 162:11
110:6 111:18	269:18 271:16	<b>m</b> 1:17 293:3	<b>manufacturing</b>	191:9 199:16
132:15 140:5,8	271:18 274:12	294:6	28:13,15 34:10	201:6,11
146:5 147:4	279:22	<b>maam</b> 46:1	86:12 176:9,13	214:16,20
152:3 157:2	<b>looks</b> 55:4	47:21 157:13	177:14	233:4 245:2
159:17 163:21	132:22 211:12	<b>magnitude</b>	<b>marathon</b> 36:16	247:18 257:10
168:18 173:16	238:22 239:5	147:16	182:22	258:1 259:1
173:16 174:7	272:19 287:19	<b>mail</b> 33:20 282:3	<b>march</b> 64:4 88:4	265:1 267:8
192:3 193:13	<b>lori</b> 165:3 167:9	<b>main</b> 96:4	108:15 115:10	281:22 285:8
197:13,14,16	<b>lose</b> 38:1	<b>major</b> 80:8,14	<b>margin</b> 17:21	<b>means</b> 102:2
198:9,10 213:2	<b>losing</b> 169:6	174:9 211:17	<b>marine</b> 87:12	148:19 166:1
213:3,4,22	170:19,21	<b>majority</b> 80:3	<b>mark</b> 70:2 89:14	191:10 192:2
214:10,13	<b>loss</b> 91:1 100:10	<b>making</b> 19:20	90:22	230:22 290:14
220:3 227:14	110:5 111:9	34:17 68:13	<b>marked</b> 172:9	290:16
228:4 238:9	169:6 188:8	69:21 92:3	<b>market</b> 279:15	<b>meant</b> 18:21
239:15 240:22	190:17 192:7	95:3 112:22	<b>marketing</b>	<b>measured</b> 38:11

<b>measurement</b> 62:16	95:18 187:20 193:15 204:1	<b>mild</b> 97:19	26:19	<b>morgon</b> 2:12
<b>measures</b> 33:22	239:17 276:12	<b>miles</b> 13:16 98:3	<b>mission</b> 94:8	<b>morning</b> 25:6
34:16	292:6	131:12 259:13	277:8	215:18 250:22
<b>mechanic</b>	<b>members</b> 9:20	261:2,3 267:16	<b>mississippi</b> 2:13	<b>mother</b> 131:8
131:19	10:2 15:11	<b>million</b> 11:19	<b>missouri</b> 2:14	134:10
<b>mechanical</b>	16:21 30:7,13	19:9 24:7 51:9	150:22	<b>motion</b> 91:16
178:1	52:20 70:5,15	76:6 91:17	<b>mistakenly</b>	<b>motor</b> 21:15
<b>mechanics</b>	70:17,18 87:6	108:6,10 143:6	203:17,17	27:7
109:6	93:11 115:2,2	145:13 146:9	<b>mistakes</b> 31:11	<b>motorists</b> 75:13
<b>media</b> 33:15	160:22 164:8	155:12	<b>mode</b> 5:9 190:11	226:14
<b>meet</b> 13:5 14:11	177:11 184:17	<b>millions</b> 162:5	270:22 284:6	<b>motors</b> 3:5 4:13
16:7 24:22	187:20 226:2	<b>mind</b> 33:8 36:1	284:11,20	10:13,16 24:6
26:9 38:5,16	262:13 276:13	135:19	<b>model</b> 26:5,8	28:6 30:15
38:22 39:15	291:2,21 292:1	<b>mine</b> 130:5	60:14,18 61:9	32:1,14 35:18
40:5 50:15	<b>memo</b> 8:3 14:3	<b>minimum</b> 13:5	61:17 62:17,21	37:20 44:20
55:8 62:1,22	223:11 224:1	46:11 50:15,18	63:21 64:2	60:16 73:13,14
63:6 66:20	250:22 273:3	62:18 182:4,13	65:19 66:3	75:4,10 76:19
77:11 78:10,14	<b>memory</b> 284:16	216:3	94:10 109:6	77:1,8,15
81:5,7,17 82:9	<b>men</b> 35:8,16	<b>minimums</b>	165:5,9 231:7	81:16 82:16
82:17,19 83:1	87:10	14:11	264:18	85:9 89:19
83:17 84:1,11	<b>mention</b> 65:3	<b>minority</b> 14:2	<b>modeled</b> 27:8	90:5,7 91:22
84:16,16 85:10	<b>mentioned</b> 65:5	<b>minus</b> 46:16	<b>models</b> 8:2 51:3	93:8,21 95:10
85:13,16 86:5	68:6,22 82:21	77:3 182:14	131:1 132:7	108:5 109:4,18
86:9 106:9	93:19 158:4	<b>minutes</b> 17:16	155:4,8,14	110:3 111:7,20
168:20 171:18	251:20 270:12	23:10 45:2	156:19 256:7	116:1,9 121:22
172:12 181:18	272:4	47:8 53:11	<b>modified</b> 26:4	122:6 126:13
181:22 250:10	<b>mentions</b> 173:3	60:8 68:3	130:22	129:14 133:14
250:17 267:6,7	<b>merely</b> 284:11	74:21 80:4	<b>moment</b> 90:16	134:6 142:19
267:7 290:15	<b>merited</b> 270:8	87:1 93:15	288:10	153:18,21
<b>meeting</b> 35:13	<b>mesh</b> 242:15	101:9 107:13	<b>moms</b> 12:19	154:5,12
35:19 38:18,19	<b>mess</b> 66:16	114:19 121:2	<b>monday</b> 215:17	164:22 168:10
62:14,15 99:21	<b>met</b> 35:14 72:7	129:10 132:17	<b>money</b> 139:21	169:4,7,11
103:5 201:3	72:10 84:12	134:22 142:17	140:16 146:18	184:22 188:18
228:19	127:6,10 189:3	150:22 157:17	150:1 169:5,6	188:19 189:3,7
<b>meetings</b> 262:15	236:5 245:3	164:6 170:14	183:6,17	193:3 201:3
<b>meets</b> 52:10,15	290:17	177:15 185:20	<b>monitored</b>	205:6 206:21
83:19 90:10	<b>mexico</b> 156:3	193:19 203:1	233:19	207:18 209:10
156:3	<b>michael</b> 10:4	211:6 220:1	<b>monitoring</b>	209:19,22
<b>melton</b> 107:17	<b>michigan</b> 2:9,18	226:20 233:22	191:1 248:22	212:14 217:22
108:12 109:17	20:5,7,8 35:15	238:3 240:5	264:17	227:5,8,17
231:9	<b>microphone</b>	248:9 255:15	<b>month</b> 19:7 24:4	228:8,20 231:1
<b>meltons</b> 91:2	30:9	258:22 262:11	57:5 64:3	231:19 246:9
109:10,14	<b>middle</b> 15:15	269:9 276:10	235:7 264:19	248:1,6 252:18
<b>member</b> 11:10	96:17 154:21	283:22	<b>months</b> 112:13	256:1,17
17:10 23:8	235:15	<b>misleading</b>	164:22 193:22	263:21 273:1
28:8 60:6	<b>midlevel</b> 265:12	65:16	<b>moral</b> 105:5	274:15 275:3
		<b>missed</b> 24:1	138:9	<b>motto</b> 21:21

<b>mouth</b> 30:9	184:11 185:7	<b>near</b> 27:20	27:9 59:18	8:12,18,19
<b>move</b> 5:8 55:22	185:14 186:3	<b>nearly</b> 34:4	82:2,7 89:21	10:1,17,21
77:3 198:5	186:18 187:4	191:3 277:8	136:20 154:19	11:4 18:15
201:19 202:2	187:13,19	<b>nebraska</b>	154:20 167:7	19:16 20:11,15
209:21 223:13	193:18 195:14	177:12 283:19	203:5 207:8,13	20:20 22:13
230:4 242:2	195:17,20	<b>necessarily</b> 63:7	236:1	26:17,20 27:4
247:1	196:2,8,19	198:13 222:4	<b>new</b> 2:17 7:13	32:21 42:17
<b>moved</b> 44:12	197:19 199:8	237:11 263:8	8:2 16:5,6 17:6	48:1 53:15
47:12 48:8	200:12 201:6	273:19	25:5 26:1	59:21,22 68:21
<b>movement</b>	202:18 210:3	<b>necessary</b> 39:9	32:13 34:9,10	86:1 115:10,16
249:18	210:16 211:3	79:14 228:11	35:3,13 40:12	115:16 153:1
<b>moving</b> 75:14	218:10 219:20	<b>need</b> 10:21	40:14 41:7	157:10,12
235:14 261:16	226:17 233:17	26:17 27:3	42:4 50:5,10	163:8,21 178:3
261:17 272:2	233:21 240:2	47:7 71:10	50:14 52:4	178:5,6,11
280:12	247:10 248:5,7	83:9 85:14	55:13,13,14	179:9,20 180:2
<b>multiple</b> 14:9	255:11,14	133:19 192:2,3	56:1,21 57:9	180:14,16,17
247:6	262:8 269:6	197:16 202:10	58:13 60:15	180:19 181:1
<b>multistep</b>	276:7 283:17	208:13,14	61:14,15,16	188:2 189:10
221:14	283:22 290:21	210:7,16	62:1 66:18	189:16 190:21
<b>murphy</b> 2:2 4:1	291:7,17 292:7	213:21 214:1,3	67:4 73:5 88:5	191:7,10
11:9 13:11	<b>murphys</b> 75:19	219:20 226:7	90:15 91:12	193:12 194:9
14:7 15:2	<b>mystery</b> 91:5	229:5 237:18	93:2 94:11,16	197:19 198:2,4
17:13 23:6		238:21 239:2	102:1,2 104:22	199:9 200:1,17
28:1 29:5,12	<b>N</b>	263:16 264:2	105:14 115:22	200:19 203:3,7
29:22 30:8	<b>n</b> 3:1	265:7,12	116:15,15,21	203:15,21
37:7 38:8,14	<b>name</b> 30:13 56:3	266:15 268:12	117:2 118:8	205:13,14
38:21 39:12,18	56:9 123:17	272:5 274:9	125:22 133:3	206:14 208:3
39:22 40:4,10	136:5 280:3	281:5 282:17	135:4,21 136:8	208:12 211:18
40:15 41:10,15	<b>named</b> 10:11	288:3,20 290:8	140:14 156:18	211:21 212:9
42:2,8,16 43:5	32:13 90:21,22	<b>needed</b> 10:20	158:19 174:17	212:22 220:20
43:7,10,22	108:12	21:18 22:1	175:14 176:5	221:7 224:18
44:7,21 52:19	<b>natasha</b> 170:15	31:10 32:8	176:18 181:14	225:9 226:3,9
53:5,9 60:4	<b>nation</b> 21:4	64:11 203:8	193:4 217:17	227:1,7 229:15
67:9,17,21	<b>national</b> 5:13	211:19 228:20	235:8 236:12	229:17,20
68:2 74:15	10:13 23:22	229:21 289:22	255:5 286:14	231:19 234:3,5
80:1 84:4	27:2 95:8	<b>needless</b> 101:15	<b>newer</b> 64:5	234:7 235:20
86:20 92:18	127:1 153:2,2	<b>needs</b> 39:11	<b>newly</b> 52:12	236:5,10,18
93:4,10 101:1	153:3 156:7,21	57:20 74:9	55:15	237:8 238:1,8
101:6 107:10	163:11 186:4	83:21 226:10	<b>news</b> 21:3	239:14,15
108:4 113:10	248:17 256:5	255:10 289:14	<b>newspaper</b>	242:1 249:9
114:3,10,12,18	277:6 279:10	<b>negative</b> 271:15	284:8	250:5 263:7,14
120:21 129:9	<b>nations</b> 21:4,5	<b>negatively</b>	<b>newspapers</b>	263:20 264:3
134:21 142:1	176:16	139:18	176:17	264:21 265:6,9
142:15 150:20	<b>nature</b> 258:11	<b>negotiate</b> 142:5	<b>newton</b> 77:3	265:10,12,13
157:16 164:3	285:6,12	<b>neither</b> 190:4	<b>nhtsa</b> 3:9 5:14	267:12,17,22
170:12 177:10	<b>navigate</b> 217:16	<b>never</b> 9:18 13:21	5:15 6:3,7,10	268:2 269:14
177:19 181:7	<b>ncm</b> 182:7	15:18 16:3	7:5,7 8:6,7,11	277:1,4,4,5,6



277:20 280:20	<b>normal</b> 263:7	199:17 207:7	112:10 121:13	<b>oil</b> 36:15 82:6
281:5 283:5	<b>normally</b> 55:12	210:10 214:14	134:1 165:7	232:18
<b>nhtsas</b> 5:19	151:17	227:18 235:17	168:5 232:15	<b>okay</b> 30:11
27:13 180:11	<b>note</b> 21:11 41:12	238:8,15,20,20	233:5 239:21	41:14 46:4,8
186:4 188:9	134:16 165:19	239:7,8,9,20	<b>occasions</b> 198:4	47:4 48:22
193:11 196:3	192:22 203:15	256:2 270:13	287:4	49:9,13 51:1
210:11 220:3,7	218:11 237:11	277:2 278:18	<b>occupant</b> 261:14	52:16 61:21
220:13,21	288:8,14	278:19 280:15	261:15	69:15 70:4,21
221:8 222:9	<b>notebook</b> 45:16	283:10	<b>occupants</b> 99:15	71:5,19 72:12
225:20 235:8	173:1 182:3	<b>numbers</b> 73:14	190:13 200:11	72:17 73:3,15
242:19 267:11	<b>noted</b> 6:4 190:10	196:14 242:10	277:11	73:19 74:2,12
280:3	284:8 286:2,8	251:15	<b>occur</b> 79:7	83:5 90:20
<b>nice</b> 159:3	<b>notes</b> 40:20	<b>numerous</b> 25:1	159:11	105:13 123:1
<b>night</b> 134:4	166:2	28:18	<b>occurred</b> 94:22	127:22 135:16
257:16 258:16	<b>notice</b> 178:11	<b>nurse</b> 108:12	96:16 99:3	139:17 144:22
259:3 262:1	180:15 194:18	231:10	102:4 199:13	146:10 147:5
<b>nitschke</b> 277:3	288:1		257:13 259:5	149:2 163:6
<b>non</b> 179:4	<b>noticed</b> 250:6	<b>O</b>	259:22	165:21 172:9
<b>noncompliance</b>	<b>notices</b> 51:7	<b>oak</b> 98:4 261:1	<b>occurrence</b>	178:15 180:9
178:7,11,16	<b>notified</b> 46:22	<b>oath</b> 29:1,3 30:1	99:12	184:9 205:12
179:4,8 180:20	47:3 70:2	123:18 124:15	<b>occurring</b> 1:15	206:22 218:22
290:4,9,14	130:16 185:9	186:14,16	<b>october</b> 170:16	225:18 228:3
<b>noncompliant</b>	238:1 278:15	187:14	<b>odi</b> 221:13	235:7 244:9
179:5,15	278:17	<b>objection</b> 13:11	222:11 224:4	250:21 255:3
<b>nondeployment</b>	<b>notify</b> 163:3	14:7 15:2	227:16 228:10	256:9 268:14
5:17 42:20	185:13 210:7	92:18 177:16	228:15 286:5	279:5 283:14
110:3 111:8	<b>noting</b> 287:3	177:19 291:4	287:5,11,14,16	286:22 288:6
112:1 190:9,20	<b>notwithstandi...</b>	291:12	<b>odometer</b> 13:16	289:3
193:5 203:4,12	270:3 273:5	<b>objections</b> 29:2	<b>ofcounsel</b> 271:7	<b>old</b> 7:17 9:12,16
203:16 205:18	<b>november</b> 19:4	186:15 291:18	<b>offer</b> 37:14	42:4 52:7,13
207:19 220:10	196:10,12	<b>objectivity</b>	<b>office</b> 87:14	52:14 131:9
222:17 225:11	<b>number</b> 7:18	36:17 102:17	107:4 220:13	135:21 152:18
229:13 245:16	16:3 28:10	125:19	221:13 222:15	153:20 154:4
248:22 249:17	42:8 50:11,11	<b>objects</b> 5:3	286:12,18	231:9
256:10,19	55:16 56:1,21	285:16	<b>officer</b> 28:6	<b>older</b> 8:2
<b>nondeployme...</b>	57:9 59:2 73:6	<b>obligation</b>	30:14	<b>once</b> 32:7 53:12
5:22 6:13	73:11 81:3	147:13	<b>officials</b> 16:2	154:20,20
99:12 189:21	84:21 85:4,12	<b>obligations</b>	18:10 23:21	199:10 236:1
190:3 191:16	89:3 91:13	105:4,5 127:10	62:7 103:20	265:4 275:15
196:5 197:9	111:17 116:12	245:4	172:11 184:22	279:4,5,7
198:19 213:12	122:4 124:1,2	<b>observation</b>	<b>offroad</b> 190:13	<b>onebyone</b>
216:12,15	124:8,9,10	80:7	200:10	251:12
234:13 238:15	127:5 129:17	<b>obtaining</b> 142:6	<b>offset</b> 165:11	<b>oneman</b> 271:6
270:5 272:12	135:4 136:8	<b>obvious</b> 105:19	166:11	273:16
<b>nonpartisan</b>	145:7 146:6	147:5 257:7	<b>oh</b> 61:1 155:6	<b>ones</b> 103:3 132:8
80:16	197:1,21	262:21	180:1 238:17	<b>onethan</b> 271:8
<b>nonpublic</b> 25:2	198:19,20,21	<b>obviously</b> 20:9	247:20	<b>oneyear</b> 173:3

<b>ongoing</b> 52:22	65:20 77:22	<b>painful</b> 101:14	168:2 170:4	270:4,5 273:6
<b>online</b> 280:8	84:1 293:14	115:4	185:1 197:6	273:20,20
<b>onsite</b> 109:6	<b>originally</b> 26:15	<b>panel</b> 28:4	207:7 208:3	<b>patterns</b> 274:3,5
<b>open</b> 10:15	65:4 76:18	189:22 196:10	210:6,9,10	<b>paul</b> 2:17 87:10
80:16 208:21	276:15	196:12 197:20	232:7,7 245:17	<b>pay</b> 174:16
212:13 220:15	<b>ought</b> 163:14	222:16 241:2	247:19 252:16	<b>paying</b> 148:20
234:18 240:15	233:8 270:22	266:6,7,12	260:13,14	<b>pays</b> 149:22
240:17 248:15	271:16	<b>panels</b> 202:5	263:18 267:5	<b>pdf</b> 95:21
261:21	<b>outcome</b> 32:5	<b>paragraph</b>	272:22 278:19	<b>peer</b> 224:20
<b>opened</b> 14:8	115:4	228:4	287:13	242:8
215:11 235:1	<b>outlier</b> 234:13	<b>parallel</b> 64:9	<b>partially</b> 25:3	<b>peers</b> 228:11
236:1 256:6	<b>outofspec</b> 62:8	<b>parents</b> 109:14	<b>participated</b>	241:5 242:9,15
<b>opening</b> 43:12	<b>outset</b> 157:19	171:2 233:5,6	291:21	270:6
87:20 95:6	<b>outside</b> 32:20	<b>part</b> 7:17 13:9	<b>participating</b>	<b>penalties</b> 27:14
196:4 208:10	44:17 88:17	16:3 23:14	240:8	30:2 187:15
240:13 261:18	91:8	25:16 35:9	<b>particular</b> 100:8	<b>pending</b> 116:6
291:2	<b>outstanding</b>	38:15,18,19	100:18 158:17	142:8
<b>operate</b> 110:7	107:19	39:8,14 40:14	159:11 267:18	<b>pendleton</b> 87:15
<b>operates</b> 159:21	<b>overall</b> 153:22	43:3 44:17	270:15	<b>pennies</b> 12:10
<b>operating</b> 58:21	259:19	49:6 50:10	<b>particularly</b>	<b>pennsylvania</b>
<b>operations</b>	<b>overnight</b> 169:5	52:20 54:6	36:4 230:16	2:2 37:13 99:4
28:17	<b>overrepresent...</b>	55:13,14,14,14	<b>parties</b> 18:15	259:5
<b>opinion</b> 146:19	224:19	55:15 56:1,17	63:13 148:16	<b>people</b> 8:12,13
234:7	<b>override</b> 86:8	56:21 57:9,10	148:17,19	9:11,13 12:2
<b>opportunities</b>	<b>oversight</b> 1:5,16	58:5,6 63:6,6,8	149:1,16	15:19 18:16
214:10	4:2 18:4 20:2	64:13 70:16	150:10,15,17	19:12 22:9
<b>opportunity</b>	<b>owe</b> 22:8 24:15	72:1,15,19	<b>parts</b> 7:11 26:13	25:21 33:17
30:15 128:5	<b>owned</b> 65:19	73:5,11,16	26:14 34:11,14	34:1 44:15
157:2,5 163:20	129:17 131:9	77:10 78:16,21	38:22 52:4	54:12 80:16,20
177:14 187:21	131:13,13	81:17 82:7,8	61:8 63:11,12	81:1 84:22
193:16	<b>owner</b> 13:15	83:1,17,19,22	64:10,10 65:13	85:20 92:9
<b>opposed</b> 179:22	<b>owners</b> 13:20	84:14 85:15	66:9 73:14	97:22 99:11
<b>order</b> 79:14	49:15	86:2,9,15	76:14 79:1,2	103:12 105:11
190:16 208:12	<b>owns</b> 15:12	89:21 92:16,17	82:16,18 85:8	106:15,19
221:14	87:11 131:8	94:18 95:13,17	85:12 113:12	113:20 114:4
<b>ordered</b> 15:3		96:12 97:11	179:12 193:6	116:12,22,22
<b>organization</b>	<b>P</b>	100:19 102:13	194:20 216:6	118:12 124:13
54:7 58:17	<b>packers</b> 277:2	106:22 109:11	220:17 221:11	125:14 129:2
82:7 116:13	<b>page</b> 3:3 41:11	116:13 124:1,2	234:20 239:1	133:12 137:11
117:17,19	62:10 67:20	124:8,20	<b>party</b> 128:21	138:2,5 139:20
128:15,17	140:15 196:9	126:18 127:12	148:20	143:14 146:17
136:11 153:15	196:14 217:17	128:15 135:4,5	<b>pass</b> 8:13	151:18 152:15
153:22 176:9	227:18,19	135:21,21	<b>passed</b> 6:11 27:9	162:11,12,15
277:8	<b>pages</b> 18:11	136:8,9 144:15	211:15	165:14,20
<b>organizations</b>	37:17 67:16	153:15 154:1	<b>passenger</b> 252:1	195:3,7 219:8
153:7	175:14 211:11	157:4 159:22	<b>path</b> 36:10	219:18,19,20
<b>original</b> 50:12	293:7	163:2 165:15	<b>pattern</b> 5:22	232:15 260:9

265:12,18 267:12 277:8 277:19 278:6 280:9,19 281:1 281:3,10,11 282:22 287:20 287:21 <b>peoples</b> 183:5 <b>perceives</b> 270:4 <b>percent</b> 67:5 <b>perception</b> 228:8 <b>perfectly</b> 110:17 <b>performance</b> 39:7,10,17 52:15 62:15 65:13 67:3,7 82:19 84:17 85:13 <b>period</b> 121:20 174:1 263:12 <b>permitted</b> 150:3 <b>person</b> 56:12 124:17 136:5 142:14 149:8 151:15 195:1 271:5 <b>personal</b> 20:4 232:20 <b>personally</b> 67:3 142:12 <b>personnel</b> 165:4 <b>persons</b> 258:12 <b>perspective</b> 39:17 160:1 <b>perspectives</b> 87:4 <b>pertaining</b> 150:1 <b>pertinent</b> 121:14 <b>peter</b> 2:20 <b>ph</b> 22:15 <b>phase</b> 201:20,21 201:22 <b>phil</b> 2:10 <b>phils</b> 130:9	<b>phoenix</b> 134:10 <b>phone</b> 70:3 282:6 <b>photograph</b> 87:13 <b>photographs</b> 87:8 <b>phrase</b> 8:15 <b>physical</b> 260:19 <b>physically</b> 262:16 <b>physician</b> 130:5 <b>pick</b> 109:8 <b>picked</b> 70:3 <b>picture</b> 217:15 <b>pictures</b> 101:13 <b>piece</b> 4:19 12:10 14:14 17:19 96:7 165:10,12 165:15,22 166:21 173:4,8 198:13,14 <b>pieces</b> 6:21 7:8 43:13 146:8 166:22 173:20 207:21 223:10 241:10 289:21 <b>pine</b> 262:2,3 <b>pinpoint</b> 133:9 <b>place</b> 65:10,18 98:5 135:22 185:16 214:21 274:13 293:10 <b>placed</b> 172:5,22 <b>places</b> 35:15 <b>plaintiffs</b> 107:19 130:6 <b>plan</b> 111:21 184:20 <b>plane</b> 178:1 <b>planned</b> 36:4 <b>planning</b> 192:1 <b>plans</b> 276:17 <b>plant</b> 22:20,21 28:16 82:4,4,4 82:5 133:7 <b>plants</b> 132:20	<b>platforms</b> 33:15 <b>platter</b> 215:22 <b>play</b> 116:11 215:17 261:15 <b>players</b> 116:16 <b>please</b> 4:6 29:13 30:8 47:20 78:6,19 79:5 109:1 167:15 187:5 195:4 210:19 221:3 223:18 <b>pleased</b> 36:7 <b>plunger</b> 45:21 50:5 <b>plus</b> 46:15 77:2 182:14 <b>poignant</b> 107:16 <b>point</b> 42:13 54:11,14 81:4 95:4 98:12 123:11 128:19 136:16 144:14 147:2 183:17 196:11 202:2 211:17,17 217:7 219:18 224:15 249:5 249:13,19 267:14 281:19 281:21 282:1,8 282:16 286:2 <b>pointed</b> 249:9 259:8 267:4 <b>pointing</b> 9:9 152:18,19,20 152:21 244:2 <b>points</b> 73:1 128:14 200:16 257:2 <b>policy</b> 149:10 <b>pontiac</b> 132:6 154:2 <b>pop</b> 279:14 <b>population</b> 64:17 146:4,14 147:3 242:12	<b>portfolio</b> 94:7 159:16 160:16 <b>portion</b> 90:18 <b>posed</b> 7:16 257:11,12 266:2 <b>poses</b> 290:18 <b>position</b> 5:9 8:9 58:13 77:4,5 82:15 110:13 137:18 167:10 168:6,10 175:9 176:7 182:6,10 193:21 202:16 203:11 225:12 249:3 272:11 <b>positions</b> 28:11 28:19 116:13 <b>possibilities</b> 192:12 206:2 214:1 272:7 <b>possibility</b> 96:9 <b>possible</b> 34:21 76:12 96:4 282:14 285:2,4 285:5 287:10 <b>post</b> 115:8 <b>postage</b> 25:18 <b>poster</b> 194:12 <b>potential</b> 4:18 23:20 26:3 111:19 140:3 173:9 189:13 197:12 237:14 241:1,17,19 243:15 257:4 284:13 <b>potentially</b> 105:11 110:9 193:7 223:12 <b>potholes</b> 25:11 <b>pounds</b> 97:1 258:1 <b>power</b> 38:2,2 110:18,19 161:2 162:11 175:7 190:11	190:17 192:6 196:11 199:18 199:19 200:15 203:19 204:11 204:13 205:10 205:10 249:18 273:10 284:5,6 284:11,20 <b>powered</b> 205:10 <b>ppap</b> 77:11 <b>practice</b> 28:22 38:15 57:13 186:13 <b>practices</b> 11:16 <b>prayers</b> 121:7 <b>predecessor</b> 70:10,11 <b>predecessors</b> 66:17 <b>preliminary</b> 221:19 <b>prepared</b> 1:14 1:17 14:3 <b>present</b> 2:1 173:8 175:5 202:11,12 <b>presentation</b> 6:3 62:12 196:11 196:15 <b>presented</b> 96:5 <b>presentlyrecal...</b> 77:17 <b>presents</b> 80:21 <b>preserve</b> 99:18 <b>president</b> 28:12 32:13 58:14 82:13 88:6 92:5 105:15 211:16 289:4 <b>press</b> 16:15 88:5 88:7 171:9 <b>pretty</b> 107:16 137:10 155:2 156:16 158:6 216:20 257:18 262:4 <b>prevent</b> 121:18
---	--	---	---	--

123:7 152:6 188:11 <b>prevented</b> 9:5,6 <b>previous</b> 94:16 204:4 <b>previously</b> 94:9 95:1 <b>price</b> 14:14 43:13 96:7,7 174:16 <b>prices</b> 4:19 173:5 <b>printing</b> 82:5 <b>prior</b> 93:7 101:20 102:4 139:20 249:19 <b>priority</b> 9:20 32:15 89:3 188:9 219:3,7 256:19 <b>private</b> 140:3,17 174:11,12 <b>proactively</b> 163:11 <b>probably</b> 74:3 80:8 103:7 137:6 146:7 178:2 259:12 <b>problem</b> 4:17 5:16 6:18 7:16 9:17 12:13 13:21,22 14:13 15:8 21:5,22 24:20 25:4,16 25:20 26:18 30:21 31:8,10 38:9 41:3 47:10 48:6 64:22 69:18 84:21 91:9 103:20 110:14 122:1,17 130:16 131:16 135:20 138:19 139:13 140:2 141:4,13,14 147:15,16	153:9 169:5 171:14 172:19 173:17 174:19 175:12 199:1 203:6 204:5 205:18,19 206:18 212:7 212:10 253:1 253:11,12 256:6 260:3 263:11 265:2,2 265:3,11 267:11 270:4 273:6,20 274:3 274:5 278:4 279:14 284:9 286:7 287:3,13 288:15 289:7 289:12 <b>problems</b> 5:11 6:22 8:5 9:1 10:18 13:14 16:13 18:19 20:12 23:18 26:4 42:19,20 59:6 60:13 130:12 133:22 140:9 148:6 153:8 158:10 161:7 172:18 197:12 215:19 237:14,20 241:8,17,19 251:3 257:16 274:11 283:13 <b>procedure</b> 117:10 <b>proceed</b> 177:20 256:17 <b>proceedings</b> 53:6 292:11 293:5,10 <b>process</b> 10:22 11:6 34:21 36:3 42:1 54:5 57:15,17,19 58:9 59:15	71:21 73:22 77:10 79:15 83:22 89:10 92:4,8 98:17 98:18,20 103:10 106:13 106:14 107:3 115:4 132:12 142:6 158:16 174:1 191:6 192:15 202:9 202:15,20 213:2 220:18 221:14,18 222:1,5,12 225:21 226:9 226:10 228:22 229:6 263:22 265:17 266:3,4 268:8,12 286:5 286:9,10 288:5 <b>processes</b> 59:18 92:8 117:8 220:4 <b>produced</b> 12:4 20:10 53:21 <b>produces</b> 116:10 <b>producing</b> 209:15 <b>product</b> 17:22 32:17 54:20 82:13 85:9 86:3,4 89:15 117:3,6 126:10 126:10 132:3 149:7 158:22 158:22 161:15 <b>production</b> 4:9 34:12,13 77:8 77:10 78:21 79:1 145:19 <b>products</b> 39:6 116:9 129:21 131:9 <b>professional</b> 81:13 <b>profits</b> 169:6	<b>program</b> 30:18 93:22 94:4,17 186:9 220:8 222:10 <b>promotional</b> 88:14 <b>prompted</b> 222:21 <b>promptly</b> 292:4 <b>properly</b> 37:21 112:14 137:19 <b>proposed</b> 5:20 49:4 165:5 196:3 223:12 <b>prospects</b> 139:19 <b>protect</b> 18:15 80:22 99:18 150:5 <b>protected</b> 19:21 97:4 <b>protecting</b> 201:14 <b>protocol</b> 135:12 <b>proud</b> 20:7 <b>proven</b> 155:19 258:16 <b>provide</b> 12:1,10 34:3,7 48:14 49:4 56:10 66:5 113:3 146:14 150:9 159:19 163:4 163:10 179:22 180:22 193:2 201:8 209:12 209:13 210:20 212:15 216:21 230:20 251:15 253:2 254:3,16 281:10 <b>provided</b> 14:17 34:4 48:1 62:6 95:15 118:3 172:15 175:2 193:3 197:14 206:21 210:22	223:11 225:14 237:22 243:3 251:9 255:10 278:13,15 <b>provides</b> 115:11 251:8 <b>providing</b> 249:20 <b>prts</b> 48:12,15 <b>public</b> 6:19 9:2 13:22 15:19 18:16 21:10 26:12 27:4,12 49:19,20 51:7 80:22 89:2 90:3 119:6,10 139:15 140:17 150:6 161:22 174:10 194:10 201:14 279:17 <b>publicly</b> 57:14 175:15 <b>pull</b> 30:8 124:5 125:6 <b>purchase</b> 34:8 81:17 <b>purchasing</b> 39:3 82:14 86:13 <b>purpose</b> 19:19 108:2 <b>purposely</b> 142:4 142:7 <b>pursue</b> 227:2 <b>pursuing</b> 127:6 245:2 <b>push</b> 158:22 159:3,6,11,15 159:18 160:5 160:12 <b>pushed</b> 257:21 <b>put</b> 6:21 7:7 14:5,22 16:8 40:12 44:8 52:6,7 57:3 64:13 98:15 111:17 132:12 135:22 154:15
---	---	---	--	--

166:22 168:4 173:20 183:9 202:15 206:2 209:8 214:9,21 218:8,16 219:15 271:5 272:9 280:14 <b>putting</b> 35:9 44:16 159:16 181:15	169:18 178:18 178:20 179:3 180:7 181:10 182:16 199:21 200:19,22 201:5 204:21 208:22 210:6 234:17 241:20 245:21 263:5 263:18 264:6 267:3 277:22 281:19 284:10 289:3 <b>questioning</b> 75:19 129:22 151:17 <b>questions</b> 7:10 10:12,13 17:9 21:13 26:16 36:1 37:6 42:13 51:20 52:17 53:15 75:20 76:1 80:6 81:3 87:7 93:11 100:16 101:18 113:11 121:13,16 123:3,4 124:19 124:22 125:10 129:6 130:12 137:14,21 138:10 151:13 152:6 158:3 164:16 181:8 181:12 184:18 194:5 199:14 200:1 201:15 201:18 202:3 220:4 237:16 244:21 248:15 257:12,12 262:22 263:3 263:20 264:1,1 269:13 292:2,4 <b>quick</b> 133:21 <b>quickly</b> 19:1 32:16 91:6	188:21 211:20 229:7 230:11 235:4 290:13 <b>quietly</b> 16:2 <b>quote</b> 4:19,20,20 4:22 5:22,22 13:17 14:13 40:22 48:13 65:5 109:2 131:18 173:4 174:21 178:7 179:18 236:13 249:17 <b>quoted</b> 88:7 <b>quoting</b> 87:21	<b>ray</b> 106:2 170:20 277:3 <b>raymond</b> 165:4 <b>reach</b> 156:15,21 278:3 281:20 282:9,21 283:5 <b>read</b> 90:14,18 98:10 228:4,5 228:12 <b>reading</b> 265:18 <b>ready</b> 88:10 96:13 <b>real</b> 69:18 84:20 121:19 140:13 154:10 206:18 262:22 <b>realize</b> 57:8 <b>really</b> 9:12 22:8 50:17 97:18 152:22 183:3 183:16,20 243:15 255:9 263:14 290:13 <b>reason</b> 7:6 43:18 50:9 85:4 111:4 130:10 135:12,15,17 135:18 144:9 144:14 190:19 199:22 219:2 224:12 225:2,6 230:3 231:13 234:17 251:18 260:14 261:6 278:22 285:4,6 288:11 <b>reasonable</b> 75:12 <b>reasons</b> 79:15 96:4 178:1 200:13,20 223:3,5 224:9 224:11 247:6 285:3 287:10 <b>rebuilding</b> 34:17 <b>rebuilt</b> 117:18	<b>recall</b> 1:8 4:4 19:7 21:2,6 26:11 31:17 33:11 45:7 49:21 56:13 57:2 60:14 61:12 63:18 64:2,16 65:2 65:20 69:6,13 69:22 72:21 76:11 79:11,16 81:10 84:16 85:17 89:13,13 91:16 94:1 108:5,9 109:11 110:5 111:10 122:2 124:12 126:9 132:12 145:3 146:1,11 161:10 162:6 176:22 177:3 194:11,18 195:12 205:6 206:21 207:19 227:7 238:1 250:4 264:3 280:2,6,15 282:3,7,11,20 283:1 <b>recalled</b> 10:16 11:19 19:10 20:21 22:21 24:6 34:2 64:2 64:18,19 65:1 66:10,12 76:5 113:12 143:2 144:19 161:1 162:18 181:15 185:1 188:18 235:10 238:2 251:2 <b>recalling</b> 64:5 66:8 <b>recalls</b> 18:5 33:1 51:8,14 161:7 191:15,15 194:19 212:22
---	---	--	--	---

229:1 252:20 268:9 280:11 <b>receive</b> 13:19 238:4 248:19 <b>received</b> 20:11 25:7 26:2 32:2 49:1 53:21 59:1 172:1 218:11 235:20 236:11 288:22 <b>receiving</b> 113:2 <b>recess</b> 186:1 <b>recognize</b> 11:9 17:15 23:8 45:22 58:10 60:6 68:3 74:19 80:2 86:22 93:13 101:8 107:12 114:10 118:22 121:1 129:9 134:6,22 150:21 157:16 164:5 170:13 193:19 202:22 211:5 226:1,19 240:4 248:8 255:14 262:10 269:8 276:9 <b>recognized</b> 7:15 45:1 63:12 114:19 142:16 220:1 233:22 <b>recognizing</b> 105:3 <b>recollection</b> 176:21 <b>recommend</b> 36:10 156:5 <b>recommendat...</b> 49:18 212:3 <b>recommendat...</b> 70:8 92:11 272:1 <b>recommended</b> 230:14 <b>reconsider</b>	214:1 266:16 <b>reconvene</b> 185:20 <b>record</b> 13:10 14:5 15:1 21:14 76:2 78:19 79:6 92:16,17 93:3 93:5,12 187:13 189:9 201:1 210:13 223:9 223:18 227:11 277:17 290:8 291:3,5,10,13 292:3 <b>recorded</b> 99:2 <b>recorder</b> 284:19 <b>recording</b> 1:15 292:12 293:6 <b>records</b> 185:2 201:4 <b>red</b> 7:4 26:20 99:11 110:22 199:9 250:4 266:1 271:21 280:5 <b>redaction</b> 291:11 <b>redactions</b> 291:14 <b>redesign</b> 50:4 77:15 106:4 <b>redesigned</b> 16:2 52:6 54:1 55:7 55:15,22 59:4 60:1 77:21 78:9,13 126:11 <b>redesigning</b> 57:18 172:19 <b>redesigns</b> 59:21 <b>redone</b> 117:7 <b>reduce</b> 15:7,8 188:15 231:2 277:9 <b>reduced</b> 270:9 <b>reducing</b> 188:12 <b>refer</b> 164:17	165:15,15 <b>references</b> 165:12 <b>referencing</b> 141:10 238:13 <b>referred</b> 246:8 251:3 <b>referring</b> 165:16 243:13 245:8 247:12,20,22 254:22 <b>refineries</b> 132:19 <b>refinery</b> 133:6,7 <b>refuse</b> 83:19 <b>regal</b> 131:8,10 132:8 134:11 <b>regard</b> 210:5,17 <b>regarding</b> 53:6 178:12 179:1 254:14 <b>regardless</b> 32:5 <b>regards</b> 41:1 <b>registered</b> 81:12 81:14 <b>regular</b> 53:3 <b>regularly</b> 112:8 <b>regulation</b> 86:2 <b>regulator</b> 5:13 8:22 263:2 <b>regulators</b> 12:1 14:1 31:6 75:10 <b>rein</b> 32:4 <b>reinvent</b> 156:17 <b>reinventing</b> 155:22 <b>reiterate</b> 104:10 <b>reject</b> 173:2 174:14 242:20 <b>relabeled</b> 116:8 <b>relate</b> 253:20 <b>related</b> 51:17 110:10 113:10 126:7 139:13 141:14 143:3 176:4 180:7	191:2 220:9 225:21 231:20 252:10 <b>relates</b> 41:20 111:22 160:1 289:13 <b>relating</b> 47:14 <b>relation</b> 241:5 245:20 <b>relationships</b> 118:9 <b>relative</b> 202:9 207:7 239:8 274:22 283:11 <b>relatively</b> 190:14 <b>relatives</b> 22:10 <b>release</b> 5:19 88:5,7 <b>released</b> 25:5 250:22 <b>relevant</b> 76:3 143:17 203:8 <b>reliability</b> 83:4 85:14 <b>reliance</b> 273:4,7 273:22 <b>relied</b> 198:15 275:4 <b>rely</b> 191:18 198:12 215:14 273:19 274:15 275:1,2 283:2 <b>remained</b> 77:21 <b>remaining</b> 10:4 92:21 <b>remake</b> 117:13 <b>remember</b> 152:9 154:13 270:14 <b>remind</b> 292:1 <b>reminded</b> 34:18 87:13 <b>remote</b> 175:2 192:12 213:22 266:18 272:6 <b>remove</b> 5:3	<b>rental</b> 34:3 218:1 281:16 <b>rentals</b> 113:21 114:2 <b>reorganized</b> 116:19 <b>rep</b> 2:2,4,5,6,7,8 2:9,10,11,12 2:13,14,15,16 2:17,18,19,20 2:21 <b>repair</b> 65:6 132:1 174:4 218:7 <b>repaired</b> 34:2,19 <b>repairs</b> 26:14 <b>repeat</b> 20:1 221:3 <b>repeatedly</b> 236:9 <b>repeating</b> 180:11 <b>replace</b> 8:1 41:4 42:3 51:22 55:13,14 <b>replaced</b> 7:19 131:15 <b>replacement</b> 34:11 76:14 91:4 161:14 194:20 <b>report</b> 13:17 58:15 100:13 108:22 115:10 115:10 119:6 119:13,20,22 120:3,6,8,11 120:16 127:7 141:5,14 176:6 185:10,11 189:4 212:8,16 245:4 249:16 258:6 281:11 284:11,12 288:9 289:9,15 289:16,17,20 290:1
--	---	---	---	--

<b>reported</b> 13:22 18:22 25:10 54:10 97:17 235:8 284:21 289:14 <b>reporter</b> 293:4 <b>reporting</b> 215:5 220:14 264:17 265:6 <b>reports</b> 6:6 16:13,15 20:20 21:3 49:1 54:18 66:5 96:14 190:7,10 196:17 206:3 223:1 244:4 249:21 251:10 252:22 255:6 284:4,11,14,17 286:2 287:1,4 288:21,22 <b>reposition</b> 108:18 <b>represent</b> 4:21 108:14 132:18 243:14 <b>representations</b> 90:3 <b>representative</b> 116:3 163:8 <b>representatives</b> 1:2 <b>represented</b> 89:1 <b>representing</b> 35:8 <b>represents</b> 14:15 173:7 <b>reproduced</b> 293:17 <b>republicans</b> 130:7 142:20 <b>reputation</b> 81:16 147:18 <b>request</b> 148:19 <b>requesting</b> 123:21,22	185:1 <b>requests</b> 10:8 184:16 <b>require</b> 55:12 75:20 220:5 254:18 <b>required</b> 52:15 62:3 77:2 150:8 163:10 172:7 182:4 189:4 208:3 212:8 279:7 289:6,20 <b>requirement</b> 77:12,20 78:14 90:10 208:6 290:3 <b>requirements</b> 66:20 78:10 82:20 85:16 181:22 210:12 235:3 <b>requires</b> 178:6 193:1 228:9 240:22 <b>research</b> 186:8 <b>resolution</b> 47:10 48:6,15 141:5 141:13 <b>resolve</b> 32:16 <b>resolving</b> 31:3 <b>resources</b> 92:5 117:20 214:8 <b>respect</b> 98:21 133:17 224:20 260:21 <b>respond</b> 128:6 184:18 235:4 237:12 239:16 239:18,21 292:4 <b>responded</b> 88:1 175:15 <b>responding</b> 36:20 <b>responds</b> 239:14 <b>response</b> 128:9	177:17 235:8 267:17 291:6 291:16 <b>responses</b> 76:2 127:4 <b>responsibilities</b> 31:13 36:22,22 37:2 102:19,20 105:4 127:7 129:2 189:3 <b>responsibility</b> 72:5 104:7,15 104:16,19 134:3,7 150:5 162:20 212:14 215:5 232:20 232:21 277:15 293:16 <b>responsible</b> 31:3 67:2 69:21 71:20 72:8,13 73:13 104:20 105:1 151:14 176:12 <b>responsive</b> 10:8 <b>responsiveness</b> 227:8 <b>restoring</b> 9:2 <b>restructured</b> 116:19 <b>restructuring</b> 103:16 <b>result</b> 49:13 51:7 99:16 106:21 249:17 <b>resulted</b> 25:2 54:1 97:13 107:22 191:14 <b>resulting</b> 59:3 97:12 110:4 111:9 <b>results</b> 8:17 32:12 50:21 71:3,11 77:9 92:10 212:16 <b>retained</b> 36:8 <b>retrospect</b> 26:19	174:3 202:19 <b>return</b> 107:3 182:5 <b>reuss</b> 70:2 <b>reveal</b> 137:7 <b>revealed</b> 11:16 25:6 45:20 250:8 251:1 <b>review</b> 67:13,19 115:8 174:18 185:11 189:11 189:22 191:4 222:21 223:3 223:21 224:2,5 263:8 <b>reviewed</b> 18:10 37:16 158:13 190:7 <b>reviewing</b> 89:14 192:11 199:13 210:17 211:4 <b>reviews</b> 220:13 <b>rib</b> 97:12 258:20 <b>rid</b> 194:22 <b>riding</b> 170:17 <b>right</b> 12:22 29:13 31:14 34:17 38:12 46:5 48:2 51:16 52:2 54:11 55:9,16 55:19 57:5 58:18 60:19 61:13 67:20 73:3 85:8 86:14,18,20 102:9 105:8,10 106:20 110:2 114:2,20 124:5 124:15 125:4,5 125:9 128:4 137:4 140:12 140:22 143:5 144:4 149:3,3 149:4 158:2 162:2 164:14 169:19 180:10	181:5,19 182:15 183:8 184:3 187:5 195:10,22 199:11 204:22 219:5 222:7 224:16 227:14 232:22 233:8 241:21 244:1 249:10 254:12 264:12 274:2 281:16 283:9 290:20 <b>rim</b> 97:5 258:2 <b>ring</b> 113:18 114:8 130:18 130:19 154:17 175:1 218:17 <b>rings</b> 130:17 <b>rise</b> 29:13 187:5 <b>risk</b> 49:16 146:18 178:8 261:15 283:7 290:19 <b>road</b> 13:13 16:9 21:19 24:2 35:11 37:19 41:5 119:4 198:21,22 211:13 239:9 270:16 <b>robust</b> 165:8 <b>role</b> 28:7 234:3 <b>roles</b> 22:12 <b>roll</b> 160:15 <b>rolled</b> 4:9 113:5 118:8 <b>room</b> 18:4 121:12 <b>root</b> 108:5 <b>roughly</b> 202:4,5 202:6 <b>round</b> 33:1 52:18 <b>row</b> 145:10 <b>royce</b> 89:14 <b>ruddy</b> 37:12
---	---	---	--	---

236:9,15,19,22 236:22 237:22 <b>ruddys</b> 236:7 237:8 <b>rule</b> 215:9,16 <b>rules</b> 29:6,7 186:20,20 <b>run</b> 5:8 47:12 48:8 49:2 68:8 68:9 77:5 88:3 88:3 100:3,4 110:21 182:6 182:10 282:6 <b>running</b> 167:21 175:9 <b>runs</b> 267:16	54:20 58:14 67:7 75:13 81:1 82:19 83:3 85:14,22 87:17,22 88:6 88:8,17 89:2 89:13,19 90:7 91:18,21 92:6 95:8 98:13,20 105:16 118:17 127:1 133:11 140:10 149:8 150:6 151:4,7 152:14 153:4 156:7,22 159:9 160:1,19 163:12 166:14 167:17,22 168:4,11,17 173:15 174:7 175:19 178:9 181:18 186:5 188:9,14,14 194:6 201:14 219:3,4,6 226:14 227:9 234:4 248:18 249:6 250:5,13 253:12,21 254:2,11 255:7 256:5,18 277:7 277:11 279:11 280:5 283:7,11 289:13 290:16 290:19 <b>sales</b> 244:5 <b>sarcastic</b> 285:11 <b>sat</b> 228:19 <b>satisfied</b> 279:18 282:8 <b>saturday</b> 90:15 <b>saturn</b> 13:16 22:20 132:6 145:18 <b>save</b> 277:9 <b>saved</b> 19:2 258:14 270:10	<b>savings</b> 165:11 <b>savvy</b> 137:9 <b>saw</b> 67:22 274:3 289:22 <b>saying</b> 9:12 52:21 60:20 88:7 102:21 120:17 128:7 142:3 156:16 175:4 181:17 184:1 201:7,8 231:12 245:2 <b>says</b> 45:19 96:3 127:2,5 128:2 156:8 166:6 173:4 182:3,9 194:22 <b>scalise</b> 2:15 121:2,3 122:15 122:21 123:1 125:2,6,9,18 125:21 126:5 126:20 127:14 127:22 129:4 240:5,6 241:4 241:21 243:6,8 243:21 244:9 244:14 245:21 246:12,17 247:7 <b>scenario</b> 38:22 139:5,12 206:9 <b>scenes</b> 235:13 <b>schakowsky</b> 2:16 101:8,10 102:21 103:11 103:15 104:6 104:14,18,22 105:9 106:7,20 107:8 <b>scheduled</b> 276:15 <b>sci</b> 284:4,8 286:2 286:5,22 287:1 287:6 <b>scientists</b> 186:7 <b>scranton</b> 37:13	<b>screening</b> 226:9 <b>screwdriver</b> 88:15 <b>search</b> 195:13 <b>seat</b> 4:6 99:15 185:19 259:15 <b>seatbelt</b> 96:21 <b>seats</b> 152:15 <b>second</b> 35:6 92:21 105:13 199:10,13 207:10 227:18 227:19 245:17 249:11 <b>seconds</b> 33:18 134:9 156:10 156:13 203:19 217:10 290:12 <b>secret</b> 148:14 149:11 150:4 <b>section</b> 30:3 187:15 <b>sedans</b> 6:2 <b>see</b> 15:12 22:12 35:20 36:21 55:2 87:8,9,12 89:16 93:9 98:8 130:14 134:14 153:6 166:9 170:1 177:11 194:13 213:8,18 219:8 219:16 227:20 243:16 249:15 265:5 270:3 272:3 273:6,20 274:10 281:14 283:10 <b>seeing</b> 266:15 271:14 <b>seek</b> 286:14 <b>seen</b> 46:3 50:20 89:21 122:11 122:14 188:16 228:1 232:11 239:7 280:20 <b>select</b> 195:13	<b>sell</b> 16:18 155:11 <b>semiannually</b> 279:3 <b>send</b> 134:15 163:2 <b>sending</b> 33:19 269:17 <b>senior</b> 32:19 69:5,12 104:4 186:7 <b>sense</b> 23:13 198:22 <b>sensor</b> 252:1 <b>sent</b> 13:7 171:21 227:19 270:1 280:4 <b>separate</b> 220:8 222:10 290:1 <b>separately</b> 289:18 <b>september</b> 164:21 242:3 <b>sequence</b> 96:18 97:14 261:8 <b>series</b> 96:18 271:15 <b>serious</b> 33:2 106:18 150:2 170:2 175:12 181:2 253:12 253:20 254:2 254:10 255:7 256:10,11,20 257:19,20 260:6,7 283:6 <b>seriously</b> 149:8 256:21 <b>served</b> 28:12,16 160:2 191:18 <b>service</b> 15:6 25:3 49:14 108:21,22 109:3 112:11 112:12,18,22 113:4 203:18 204:16 205:6 230:13,18
---	--	---	---	--



231:14 232:9	<b>sheet</b> 122:7	<b>signals</b> 24:1	161:9 164:13	<b>somethings</b>
232:11 233:2	<b>shes</b> 131:9,13	269:17	178:22 183:15	199:11
273:11,18	233:4 237:4	<b>signed</b> 106:8	233:3 261:4	<b>somewhat</b> 97:10
274:1,2,11,22	<b>shifted</b> 116:12	122:8 123:21	273:10	115:14 137:8
275:1,8,17,18	<b>shipping</b> 52:3	124:7,14,17,17	<b>situations</b>	<b>son</b> 87:10
276:2 278:13	<b>shirk</b> 31:12	211:16 293:14	205:21	<b>sons</b> 87:10
278:15	<b>shops</b> 132:1	<b>significant</b>	<b>six</b> 19:8 102:1	<b>soon</b> 4:8 13:12
<b>services</b> 80:10	<b>short</b> 12:20 18:2	210:22 211:1	112:13 131:14	16:1 31:8
230:10 231:5	186:1 226:3	213:18 262:4	<b>size</b> 8:4 183:7	37:18 69:11
231:20	278:2	288:17	<b>sizes</b> 285:18	138:19 140:5
<b>set</b> 30:2 35:3	<b>shorthand</b> 293:4	<b>significantly</b>	<b>sky</b> 132:7	140:10 209:17
39:3,15 49:21	<b>shouldnt</b> 86:2	145:7 199:6	<b>slammed</b> 110:22	276:16 282:13
82:8 85:21	251:22 260:11	<b>signoff</b> 122:5,7	<b>slide</b> 194:11	<b>sooner</b> 163:18
86:2 88:15	260:12	<b>signs</b> 274:8	<b>slips</b> 137:17	209:20 250:7
91:16 140:14	<b>show</b> 12:16	<b>silence</b> 236:6	<b>slogan</b> 88:17	<b>sorry</b> 31:19
156:2 182:19	14:17 20:11	<b>silo</b> 128:18	<b>sloppy</b> 70:22	39:20 40:3
187:15 241:3	80:19 172:11	<b>similar</b> 6:1	<b>slot</b> 230:21	47:8 71:7 94:2
294:2	187:13	13:20 24:3	<b>slow</b> 228:8,9	104:17 111:15
<b>settled</b> 5:2 148:9	<b>showed</b> 53:21	53:15 151:13	<b>small</b> 30:18 76:6	112:17 119:8
<b>settlement</b> 103:1	62:15 171:17	229:11 241:7,7	76:11 93:21	119:12 141:8
107:22 149:11	172:1 190:4	242:15	94:4,16 97:4	143:19 145:1
149:15 150:4	213:10 217:15	<b>simple</b> 15:8	190:14 238:14	147:6 166:5
150:11	256:3 284:3,4	25:13,20 215:9	239:6 258:22	177:22 180:16
<b>settlements</b>	<b>showing</b> 77:11	268:17	259:1 261:14	188:7 221:2
148:14,22	264:18	<b>simply</b> 132:2	<b>smaller</b> 147:3	240:20 243:7
<b>settles</b> 149:10,22	<b>shows</b> 172:6	194:22 284:17	<b>social</b> 33:15	285:10,13
<b>severity</b> 141:6,9	173:1 194:16	290:2	<b>software</b> 214:6	289:4
141:15	197:7 243:13	<b>sincere</b> 31:15	<b>sold</b> 63:13 86:4	<b>sort</b> 183:5 212:9
<b>shade</b> 131:19	273:7,7	<b>single</b> 142:14	244:6	<b>sound</b> 60:19
<b>shaking</b> 231:3	<b>shut</b> 4:14 13:18	238:9 256:8	<b>sole</b> 288:19	<b>sounds</b> 196:18
<b>shame</b> 95:7	25:11 91:2	261:6 265:18	<b>solstice</b> 132:6	275:13
<b>share</b> 27:2 58:8	109:1 154:20	280:2 283:3	<b>solution</b> 5:1	<b>sources</b> 140:17
119:11,22	154:21 156:12	<b>sir</b> 195:22 221:2	173:9 230:15	<b>space</b> 219:17
120:2,4,9,11	238:5	243:7 260:20	<b>solutions</b> 4:18	<b>spalding</b> 108:13
120:13,16,17	<b>shutoff</b> 245:20	<b>sit</b> 23:14 113:14	4:21 14:12,15	<b>spanning</b> 42:1
127:18 189:15	<b>shuts</b> 156:8	115:5 185:17	96:5,6,8 173:6	<b>spans</b> 59:13
<b>shared</b> 18:14	<b>side</b> 109:12,22	<b>sitting</b> 30:18	<b>solve</b> 8:4	<b>spare</b> 63:11,12
50:11 72:5	111:1,3 125:15	152:15 181:14	<b>somebody</b> 133:8	64:10,10,13
127:20 128:16	128:17 130:8	274:7 276:18	135:10 144:8	<b>speak</b> 89:4
128:22 202:17	182:5 251:19	<b>situation</b> 17:8	144:14 152:1	103:22 108:11
252:6	<b>sidebyside</b>	31:1 36:10	156:2 238:21	142:14 167:20
<b>shareholders</b>	259:21	63:3 98:7	239:2 264:21	<b>speaking</b> 72:14
147:13,17	<b>sideimpact</b>	99:18 100:10	265:6 270:22	94:14 252:10
<b>sharing</b> 71:14	108:17 110:4	100:11 102:10	271:7	<b>spec</b> 39:15
118:4 126:19	111:8 112:1	103:8 104:10	<b>somebodys</b>	182:14
286:21	<b>sides</b> 276:13	139:10 140:19	135:18 218:4	<b>special</b> 189:17
<b>sharp</b> 137:10,11	<b>sight</b> 269:1	151:10 159:11	<b>someones</b> 286:5	190:6 200:5,7

203:12 206:3	63:1 77:1 79:2	<b>stalled</b> 235:14	128:10 175:4	<b>strongly</b> 260:11
213:4,13 214:2	81:5,18 82:17	<b>stalling</b> 131:11	187:18 206:20	<b>structure</b> 117:2
220:7,22,22	84:11,17 85:5	132:4,11	208:11 245:9	129:1
221:8 222:9	85:10,21 86:1	248:20 270:16	246:1 273:7	<b>stuck</b> 234:11
223:15 226:8	86:6 106:9	<b>stalls</b> 110:17	<b>statements</b> 6:20	<b>study</b> 71:4,11
232:7 249:1	168:21 171:18	238:14	41:20 49:20	100:18
250:1 285:1	250:10,18	<b>stamp</b> 196:13,19	60:22 89:5	<b>subcommittee</b>
286:13,16	267:6	<b>stamps</b> 25:18	199:17 291:2	1:5,16 4:3
287:2	<b>specifics</b> 159:17	<b>stand</b> 32:18	<b>states</b> 1:1 30:3	21:12 29:20
<b>specific</b> 42:13	245:7,11 257:1	190:19 199:4	42:18 76:6	80:9,13 84:19
47:15 54:4	<b>specs</b> 7:12 39:1	205:11 213:11	86:5 108:22	93:14 151:8
72:11 141:17	40:6 55:8 82:8	230:5 274:20	187:16 196:15	177:13 178:4
161:15 169:20	82:9 130:15	<b>standard</b> 35:3	<b>static</b> 242:10	186:12 187:11
178:19,22	181:16	117:15 125:16	<b>steel</b> 39:3,4,6,9	217:15
179:8,10,21	<b>speed</b> 44:6	182:8 214:21	82:22 83:7	<b>subcommittees</b>
180:7 198:6	259:12	222:1 282:17	84:7	21:14
201:5 210:19	<b>speeds</b> 25:12	282:20	<b>steer</b> 162:15	<b>subcomponent</b>
215:16 224:15	235:15 259:14	<b>standards</b> 7:12	<b>steering</b> 38:2	86:13
225:14 228:18	259:21	94:19 110:15	97:6,7,8,9	<b>subject</b> 30:1
229:9 230:8	<b>spending</b> 93:17	131:3 172:12	110:18 161:2	187:14 220:21
247:22 250:14	<b>spike</b> 6:4 242:11	179:9 181:18	162:12 257:22	221:8 239:20
251:11 252:7,9	242:13	290:15,17	258:2,18 265:1	277:11
253:2,20 254:3	<b>spiking</b> 243:17	<b>standing</b> 243:18	<b>stellar</b> 81:16	<b>submit</b> 70:5
264:7,18	<b>spill</b> 36:15	<b>stands</b> 32:19	<b>step</b> 19:17 34:20	76:1 78:5,19
266:12 270:4	<b>spokesman</b>	215:15 238:11	37:4	79:6 93:1,11
273:6,20	175:3	<b>staring</b> 87:7	<b>stephen</b> 2:15	163:22 210:13
280:16 289:7	<b>spot</b> 138:6	<b>start</b> 13:2 34:14	<b>steps</b> 75:12	223:17 292:2
<b>specifica</b> 83:9	191:22 214:8	93:20 159:15	102:18 106:18	<b>submitted</b> 20:19
<b>specifically</b> 34:1	214:11 283:4	159:18 160:13	107:7 195:9	42:17 53:17
78:3 94:15	<b>spotted</b> 5:21	263:14 270:17	219:13	67:14 220:20
139:16 180:12	<b>spring</b> 12:9	271:14	<b>stick</b> 249:14	221:6 236:4
200:17 215:22	22:22 25:16	<b>started</b> 6:14	<b>sticking</b> 158:7	289:10
247:14 251:3	40:12 50:5	103:10 117:8	<b>stood</b> 190:5	<b>submitting</b>
287:7	ss 293:1	144:15 263:19	213:9	289:5
<b>specification</b>	<b>staff</b> 10:8 14:2	264:18 271:1	<b>stop</b> 98:12	<b>subpar</b> 65:9,17
25:1 38:5 39:4	15:11 58:16	<b>starters</b> 84:8,12	<b>stopped</b> 278:6	65:22
46:11,14 63:7	61:22 100:22	<b>starting</b> 144:14	<b>stopping</b> 49:1	<b>subsequently</b>
65:13 81:7	160:22 194:8	145:18	238:18	242:5,6 249:8
83:2,15,16,18	246:3 251:1	<b>state</b> 20:5 99:14	<b>store</b> 204:11	<b>substandard</b>
83:20 84:1	265:8 280:22	252:21 273:9	<b>streamlined</b>	179:15
86:10 172:8	291:11,14	293:1	117:4	<b>substantial</b>
182:2	<b>staffed</b> 226:4	<b>stated</b> 57:14	<b>street</b> 257:15	150:1
<b>specifications</b>	<b>stage</b> 222:2	108:22 173:14	<b>stress</b> 32:11	<b>substantially</b>
13:6 16:7	<b>stages</b> 192:14	228:7 255:21	<b>stressing</b> 33:7	148:1
26:10 38:12,16	<b>stakeholders</b>	<b>statement</b> 30:5	<b>strictly</b> 73:8	<b>suburban</b> 154:7
38:19 41:6	75:17	41:16 43:12,15	<b>strike</b> 261:14	<b>suburbans</b>
50:16 62:2,19	<b>stall</b> 239:10	93:7 95:7,12	<b>strong</b> 162:12	154:12

<b>successfully</b> 191:14 212:21	268:3 273:15 274:4 281:19	51:18 52:6,9 52:12,13 53:22	59:2 60:12,15 60:17 61:6,16	230:11,12 269:19
<b>sudden</b> 110:16	<b>sure</b> 17:4 19:20	54:2 55:7 56:1	62:1,4,8,18,22	<b>tact</b> 151:17
<b>suddenly</b> 38:1	27:3,18 30:9	59:4,5 60:1	63:4,22 64:8	<b>tahoe</b> 129:18
91:2 175:17	36:11 53:14	61:15,15 63:5	65:4,6,9,17	<b>take</b> 1:9 4:4,6
235:14,22	59:18 63:11	65:20 66:1	66:19 67:2,4,8	7:5 13:14 21:1
<b>sued</b> 149:7	67:6 107:21	72:9 76:17	76:7,13 81:5	21:17 24:19
<b>suffered</b> 36:5	112:20,22	77:2,4,9,11,16	109:5 112:11	32:4 33:22
188:7	121:17 123:2	77:21,22 78:9	122:18 155:3,9	44:3 45:15
<b>sufficient</b> 191:7	133:4 137:14	78:14 84:9	155:15 172:2	47:20 49:17
198:16 202:2	153:17 156:3	91:12 103:18	181:15 193:5	75:12 88:11
222:6 237:15	162:8 167:6	106:4,9 108:18	248:13,16	90:10 92:11
285:7	181:22 183:2	110:10 122:10	250:3,9,17	98:17 103:7
<b>suggest</b> 73:1	185:3 195:7	122:20 124:1	<b>sworn</b> 29:17,20	104:19 106:13
262:1	208:7 209:15	124:11 126:11	187:7,11	106:18 107:6
<b>suggested</b> 227:1	217:4 228:21	130:14 131:1,2	<b>sympathies</b>	113:17 114:4
240:13 242:4	229:5 237:3,5	143:4,7 144:3	16:22 37:10	122:2 132:21
<b>suggestion</b>	241:16 243:5	144:4,9 145:2	<b>sympathy</b> 37:14	134:10 136:13
218:7	246:17,19	145:5 148:6	75:5	151:16 158:16
<b>suggests</b> 26:2	247:11,16	152:10 156:1	<b>system</b> 18:12	161:11 162:14
<b>summary</b> 30:5	264:3 268:16	156:18 159:20	33:7 47:11	167:1 169:18
49:12 118:4	269:22 274:1	165:2,6,8,13	48:6 141:5,14	173:17 181:2
187:18 253:6	280:1,8,19	165:17 168:20	157:3,5 159:4	185:18,19
<b>summer</b> 18:3	281:2,10	171:5,16,18,19	159:7,7,12,22	186:14 195:9
96:17	283:16 286:19	172:8,12,20	160:6,6 168:2	217:22 218:16
<b>supplemental</b>	290:13	174:12 177:8	197:15 237:9	232:22 244:9
250:21	<b>surprised</b> 130:4	178:2,12 179:2	241:15 261:20	244:16,18
<b>supplied</b> 96:15	<b>suspect</b> 36:1	179:6,14	264:17,17	274:9 281:14
<b>supplier</b> 5:6	<b>swear</b> 28:19	180:13 182:5,6	267:19 271:20	286:6
13:4 34:10	29:14 186:10	188:4,21 203:7	275:7	<b>taken</b> 66:14
40:12 67:1	<b>switch</b> 1:8 4:3	203:11 205:18	<b>systematically</b>	124:4 137:22
117:19 171:16	4:11 5:5,8,16	207:8,20 216:7	117:21	173:22,22
193:7	7:1,3,14,16,20	216:15 225:11	<b>systems</b> 7:21	186:2
<b>suppliers</b> 39:5	8:2 12:7,9,11	235:10 236:3	37:21 43:2,8	<b>takes</b> 74:9 78:20
207:11 216:10	12:17,22 13:3	245:16 247:19	158:12 204:9	257:8
234:21 245:19	13:5 14:10,10	248:20 249:2	207:13 237:10	<b>talk</b> 125:14,22
<b>supply</b> 73:9	15:9 16:2,5,7	249:19 251:4	268:1 275:5	145:10 287:22
82:14 117:18	16:13 19:8	252:11,19		<b>talked</b> 72:19
<b>support</b> 34:21	24:8,22 25:13	282:5 285:5	<b>T</b>	131:6 147:3
194:8 213:10	26:5,7 38:3,5	286:7 287:12	<b>tab</b> 40:17 41:9	163:7 203:4
<b>supporting</b> 76:3	39:18,20,21,22	288:15 289:8	45:15 47:20	240:10 280:21
<b>supports</b> 35:5	40:11,11,19,22	<b>switches</b> 11:20	62:10 95:19	<b>talking</b> 8:12
<b>supposed</b> 15:15	41:4 42:3,19	13:2 15:21	96:2 99:2	33:12 67:18
46:11,15 54:16	42:21 43:1	16:9 20:13	122:3,5 164:18	90:12 95:20
57:18 113:13	45:18,20 46:10	26:8 38:11	164:20 172:5	104:14 122:15
162:17 240:22	46:10 50:4,6	45:6 46:12,17	172:22 182:2	123:10 126:7
267:19,22	50:10,12,14	51:3,11 52:1,7	196:9 227:14	126:11 178:22

200:14 216:9	65:16 85:12	187:22 193:17	134:19,20	117:15 121:15
266:4 273:10	89:6 90:6	<b>testifying</b> 19:15	135:1 142:15	122:14 125:3
277:4,12 281:2	105:17 116:18	29:3 128:4	142:18,21	128:3,4 133:13
282:15 286:20	118:19 155:4,9	186:16	150:19 151:1,2	133:18 135:8
287:20	200:20 216:4	<b>testimony</b> 18:9	151:3 152:13	135:22 140:8
<b>talks</b> 45:17	249:9 254:7	29:1 68:22	157:13,14,18	143:13,17,22
<b>tank</b> 265:3	258:13 277:5	93:20 127:2	164:1,7 170:10	147:4 148:20
<b>task</b> 32:18	<b>telling</b> 75:2	128:8 157:22	170:15 177:9	150:11 151:22
<b>tasked</b> 201:13	85:20 116:14	186:14 187:2	177:10,18,21	152:10 156:13
<b>tavera</b> 106:17	165:19 168:9	203:14 205:5	181:5,12 184:9	161:9 163:13
<b>team</b> 32:8,19	<b>tells</b> 32:3	227:1 244:21	184:11,12	164:19 165:17
33:6 54:22	<b>ten</b> 7:2,8 46:13	245:11 247:8	185:7,14,15,21	165:22 166:21
55:3 70:18,19	46:18 47:9	255:20 270:13	186:18 187:21	168:7 172:15
72:4,8,11	50:17 94:4	273:8 275:9,13	193:17,18	178:17 179:12
114:7 118:20	131:8 132:22	276:22 284:3	203:2,22 210:2	179:13,16
137:15 181:20	212:22 215:19	288:2	211:7 217:12	180:2 196:1
199:3 201:2	216:2 292:2	<b>testing</b> 67:6	218:10 220:2	204:15,20
209:17 212:18	<b>tennessee</b> 2:5	113:16 114:7,9	226:21 233:14	208:5,6,9
212:19 213:16	<b>tenure</b> 136:16	117:15 181:21	233:15 234:1,2	210:12 212:5
230:1 234:10	<b>tenyear</b> 263:12	<b>tests</b> 61:10	240:1,6,7	218:18 219:10
265:20,21	<b>term</b> 179:9	171:17	243:10 248:5,7	220:11 221:10
271:17 287:8	<b>terms</b> 115:20	<b>texas</b> 2:4,11	248:10 255:11	221:22 222:13
288:9	159:8 212:18	80:3 129:10	255:15,16,17	222:19 224:22
<b>teams</b> 241:16	216:1 237:7	<b>texting</b> 232:16	262:6,12 269:5	230:11 234:16
286:20 287:22	<b>terribly</b> 96:22	<b>thank</b> 4:6 9:22	269:10 276:5	234:17 237:1,2
<b>tear</b> 154:18	<b>terrorist</b> 183:1	10:5,6,7 11:12	276:11,12,21	238:19 239:6
<b>teardown</b> 45:19	<b>terry</b> 21:12	17:6,12,17	283:17,21	241:5,9,10
<b>technical</b> 15:4,6	177:12,18,20	22:5,6 23:3,6	290:20,21	244:1,3,4,6
25:2 35:14	177:21 178:15	23:11 24:14	291:20,20	253:4,8,10,14
49:14 89:12	178:19 179:1,5	27:22 29:22	292:7,9	256:9 257:8
112:10 157:2	179:13 180:1,4	30:6,10,12	<b>thanked</b> 130:6	258:2,8 260:6
182:2 230:10	180:9,18 181:5	37:6,7 40:15	<b>thanks</b> 101:4	260:17,18
230:13,18	217:13 283:20	45:3 48:11	247:7	266:17 267:11
231:5,14,20	283:21 284:1	50:2 52:18	<b>thats</b> 27:6 36:7	267:20 273:14
232:9,10	285:8,11,15,19	53:9,12 60:9	39:13 41:21	273:14 276:4
<b>technician</b> 25:15	286:1,22	66:21 67:9	42:6,14 43:3	278:20 284:20
<b>technicians</b> 25:8	287:11,16,19	68:2,4 70:9	46:6,7 52:15	286:7 287:20
112:12 113:1	288:6,14 289:3	74:13,22 79:19	54:7 57:6,10	289:2 290:2
<b>technology</b>	289:16 290:4,7	79:20 80:5	58:20 59:17	<b>theirs</b> 154:9
158:6,20	290:12,20	86:18,19 87:2	60:13 61:20	<b>theory</b> 272:8
189:19 194:3	<b>test</b> 50:20 77:9	93:16,17 101:4	68:11 73:2,16	<b>thereof</b> 227:8
<b>teenagers</b> 19:13	117:10,14	101:10,10	78:2 85:18	293:14 294:1
<b>teeth</b> 154:18	<b>testified</b> 29:20	107:8,14 108:3	86:4,15 92:3	<b>theres</b> 41:19
<b>television</b>	87:20 101:12	113:7,8 114:17	98:14 99:1	60:21 73:1
262:20	187:11 249:15	114:20,22	102:9,13	85:4 111:17
<b>tell</b> 5:2 17:1	257:11 284:2,3	121:3,5,11	106:10 111:18	114:6 115:19
30:19,21 45:11	<b>testify</b> 180:14,17	129:8,10,12	113:5 114:15	123:17 125:14

139:14 140:14	129:17 135:14	<b>time</b> 10:4 16:16	<b>timeline</b> 43:18	189:15 193:17
152:20 160:8	137:6 140:18	16:17 17:14	49:7,10 56:14	216:1,21 234:2
214:22 283:1	149:13 151:19	18:2 23:19	56:20 57:2	236:16 262:20
<b>theyre</b> 8:20	151:21,22	27:21 42:13	59:9 68:15	263:1 268:13
21:10 66:4,11	152:4,5 153:19	44:8,22 54:7	98:16 209:9	276:14,17,19
109:15 153:1	154:7 160:1,8	58:4 59:8	<b>timelines</b> 115:12	276:22 277:12
181:16,17,19	161:22 163:13	63:10 64:9	<b>timeliness</b> 127:7	<b>today's</b> 20:3
232:21 233:7	168:14 174:4	66:15 67:10	127:10 245:4	24:13 28:4
243:17,19	178:21 179:16	68:1 74:12	<b>timely</b> 53:17	29:10 31:13
268:2 279:18	179:19 181:8	79:22 82:11	184:19 245:4	33:3 35:9
285:8,9,15,15	203:21 208:17	86:21 91:7	<b>times</b> 10:19,19	43:20 68:7
<b>thing</b> 31:14 33:8	217:21 218:5	93:17 96:5	33:18 58:8	70:18 88:10
102:9 105:8,10	226:2,13	97:14 100:10	68:7 82:22	90:5,6 116:1,8
105:19,22	229:20 233:1	101:1,6 105:15	90:15 131:14	215:18 291:22
123:9 134:8	241:5 249:13	107:18 108:13	131:22 133:5	<b>told</b> 4:12 5:6 7:2
138:18 175:1	253:16,21	115:17 116:2,7	154:13 173:3	26:7,12 31:9
218:15,18	255:3,20 256:9	122:13 127:15	174:18 175:14	61:22 62:3
219:7 233:8	261:6 262:21	128:1,14 129:7	176:6 228:9	88:2 102:3
257:4,5,6	263:1,21	129:20 131:15	235:8,12	109:8 112:6
260:18 282:11	266:21 267:19	150:20 151:19	236:12	131:18 150:18
282:17	270:12,20	152:16,17	<b>timothy</b> 2:2	161:19 162:7
<b>things</b> 11:4 33:3	273:15 274:4	153:16,21	<b>tire</b> 18:6 151:10	174:10 175:15
34:17 36:2	277:1,2,19	156:17 158:5	152:8	218:13 236:12
41:19 57:21	284:6 288:2,14	167:10 169:14	<b>tires</b> 18:14 20:3	239:13 265:8
114:5 127:2	<b>thinking</b> 37:1	175:3,16 176:5	232:18	<b>tomorrow</b>
139:2 142:8	105:18 116:15	176:19 178:10	<b>title</b> 30:2 136:6	281:13
143:1 156:5	181:14 277:20	184:12 190:7	187:15	<b>tonko</b> 2:17
162:21,21	<b>third</b> 34:13	191:7 193:2	<b>today</b> 8:19 9:8	114:18,20
163:9 169:2	63:13 207:17	198:10 199:10	10:21 17:10	119:5,9,13,19
199:17 202:8	245:17 249:21	199:13 202:21	19:15 20:6	120:2,6,10,15
207:2,5 223:21	267:8	203:12 205:8	22:7 23:14	120:19
224:4 245:12	<b>thorough</b> 31:21	206:1 208:17	24:3 27:6	<b>tool</b> 280:13
257:4 266:21	75:16 125:13	209:14 213:14	30:16,19 37:9	<b>tooling</b> 4:19
267:13 271:4	<b>thought</b> 130:17	224:17 225:9	40:9 44:2,20	14:14 43:13
271:15 272:4,5	143:19 144:8	226:5,16	44:21 58:22	96:6,7 173:4
279:22 280:21	251:22 288:11	229:16 232:10	70:18 80:18	<b>tools</b> 191:13,17
288:2	<b>thousands</b> 15:20	240:1 245:22	81:21 85:13	191:21 214:3,5
<b>think</b> 8:3 68:1	18:11,11 44:15	247:9 252:17	88:12 101:19	214:9 281:8
70:21 71:5,9	118:11 209:10	253:17 262:8	102:3 109:15	<b>top</b> 32:15 62:7
73:4 74:3	211:11,11	267:1 268:20	125:10 127:21	118:13 188:9
82:11 85:19	<b>three</b> 5:18 6:10	271:22 275:2	130:1 151:4	219:3,6 280:22
87:17,21 88:20	9:16 51:13	275:18,20	152:2 153:10	<b>topic</b> 87:18
92:22 95:11,18	152:19 189:17	276:2 278:14	154:7 155:5	<b>torque</b> 5:7 38:6
97:22 101:13	220:8 245:12	283:15 288:9	167:3,3 171:3	38:10 40:13
104:10 106:16	270:20	290:7 293:10	179:17 183:21	41:6 46:11
109:15 115:20	<b>thumb</b> 215:10	<b>timeframe</b> 40:2	184:12 187:2	50:6,15 77:3
118:2 125:11	215:16	117:9 148:2	187:22 188:6	77:12,20 78:10

78:14 131:3 182:4 230:16 231:21 <b>total</b> 6:5 170:4 278:18 <b>totaling</b> 19:9 <b>totally</b> 143:13 <b>tough</b> 35:19 138:6 <b>town</b> 35:12 <b>toyota</b> 11:3 151:11 152:9 <b>toyotas</b> 23:18 <b>track</b> 135:20 278:1,5,8 280:11 283:13 <b>tracking</b> 6:14 47:10 48:6 63:14 141:5,13 <b>tracks</b> 235:16 278:12 <b>trade</b> 131:19 177:14 <b>tradition</b> 80:18 <b>traditional</b> 159:18 <b>traffic</b> 5:13 10:14 23:22 27:2 95:8 100:11 127:1 153:4 156:7,22 163:11 169:20 170:1 235:16 248:18 249:6 250:5,13 256:5 277:7 279:10 <b>tragedies</b> 138:22 188:11 <b>tragedy</b> 9:4,18 18:20 27:19 36:6 98:8,9 157:21 232:4,4 237:5 <b>tragic</b> 75:6 98:7 100:10 104:11 109:10 111:13 115:3	<b>tragically</b> 108:15 <b>train</b> 271:12 <b>trained</b> 33:16 44:15 118:11 <b>training</b> 44:17 89:7 <b>trans</b> 153:2 <b>transcribed</b> 293:5 <b>transcript</b> 1:14 293:9,14 <b>transparent</b> 31:5 71:18 120:13 <b>transportation</b> 153:3 186:5 <b>travel</b> 276:17 <b>tread</b> 18:18 19:3 170:6 178:5,5 211:14 289:17 289:19 <b>treat</b> 33:22 256:20 <b>tree</b> 98:4 100:4 131:19 261:2 262:3,3 267:16 286:1 <b>trees</b> 96:19 257:18 285:6 285:12,17 <b>tremendous</b> 134:5 <b>tremendously</b> 92:6 <b>trend</b> 20:18 197:20 211:19 213:9,19 215:14 224:7 234:8,10,11 247:4 266:10 274:17 <b>trends</b> 191:22 214:8 241:4 246:22 249:15 283:4 <b>trial</b> 137:8	<b>trick</b> 85:6 <b>tried</b> 213:8 218:13 236:9 <b>trigger</b> 214:17 250:4 <b>triggered</b> 223:21 224:2 <b>triggers</b> 263:7 <b>trotline</b> 170:18 <b>trotlines</b> 171:2 <b>troubled</b> 11:15 225:19 <b>troubling</b> 95:17 <b>true</b> 20:6 48:17 61:3 88:22 90:1 114:13,15 128:22 140:17 251:8 253:10 265:15 269:15 293:8 <b>truly</b> 207:22 <b>trust</b> 9:3 34:17 164:14 195:17 233:2 <b>truth</b> 9:4 <b>truthful</b> 180:8 <b>try</b> 38:9 80:15 213:17 215:8 217:4 237:19 238:10 280:8 280:19 281:8 283:4 286:19 <b>trying</b> 47:6 66:15 110:18 130:2 146:19 147:6 167:5 180:8,10 188:10 200:3 250:2 261:20 271:4 <b>turn</b> 12:11,17 31:7 40:17 62:4 172:7 196:8 230:16 <b>turned</b> 61:5 96:10 204:6 <b>turning</b> 41:1	42:9 131:11 158:8 235:22 251:4,4 288:16 <b>tv</b> 269:21 <b>twice</b> 4:17 8:6 20:16 198:5 199:9 <b>two</b> 6:17 10:15 19:13 34:12 45:20 51:14 53:22 87:10 119:1 146:8 150:10 153:7 154:7 156:5 181:11 190:6 198:4 205:21 206:1,8 241:16 257:3 259:14 259:15 284:4 284:14 285:2 286:22 287:4,9 290:10,12 <b>twothirds</b> 62:4 267:9 <b>twothousand</b> 40:1 <b>twoton</b> 17:19 <b>type</b> 54:21 94:9 98:2 167:2 214:20 253:1 <b>typically</b> 201:18 205:11 282:22 284:20	<b>unanimous</b> 13:9 14:4,22 92:14 291:1,8 <b>unanimously</b> 211:15 <b>unaware</b> 227:4 <b>unbelted</b> 190:13 200:11 261:14 277:10 <b>uncomfortable</b> 194:5 <b>uncommon</b> 190:18 <b>uncover</b> 26:18 71:2 137:15 <b>uncovered</b> 137:9 <b>underfunded</b> 226:4 <b>understand</b> 43:6 43:17 44:21 54:8 59:11 65:12 73:17 79:14 82:2 85:2 102:19 104:13,17 111:6 128:20 143:15 147:9 155:21 167:4,6 171:1 192:6 194:3 199:8 200:4,12,15 209:16 213:17 217:4 219:13 233:4,10 234:4 237:3 261:10 272:18,19 274:6 <b>understanding</b> 49:22 59:16 63:3 64:7 102:6,12 179:7 180:19 193:21 200:3 205:1,3 205:7 217:1,7 223:22 236:21 237:7,21
---	---	---	--	---

238:12 250:19	53:2,7 54:15	92:10 107:2	104:8 108:6,10	<b>vital</b> 281:8
256:8 268:8	<b>upper</b> 258:19	118:7 119:14	114:2 119:4	<b>vitosh</b> 1:18
273:9,11 275:5	<b>upset</b> 35:20	119:15 124:21	129:17 132:7	293:3 294:6
275:6,17,20	<b>upstairs</b> 87:14	125:13 127:20	145:18 146:5	<b>vlastic</b> 90:21
276:1 284:16	<b>upton</b> 2:18	128:13	155:12 160:15	<b>voices</b> 35:21
287:18 289:11	17:16,17 53:11	<b>variety</b> 161:7	161:6,11 162:6	<b>volume</b> 244:3,4
<b>understands</b>	53:12 54:9,15	213:5 239:11	165:10 171:20	244:4 259:1
58:19	55:6,11,18,21	289:21	176:15 186:9	<b>vp</b> 35:13
<b>understood</b>	56:5,8,11,18	<b>vehicle</b> 18:1	188:14,18,20	<b>vu</b> 19:6 23:13
38:10 69:12,12	57:4,8,14,17	21:15 27:7	188:21 190:5	
<b>undertake</b> 174:5	59:1,20 60:3	28:14 32:13	196:22 198:20	<b>W</b>
<b>undertaking</b>	71:14 185:9	34:2,9 43:8	199:2,6,7	<b>wait</b> 33:18 222:4
94:12	211:6,7 212:6	58:14 59:14	224:20 229:13	278:9 282:7
<b>underwhelmed</b>	214:13 215:17	88:6,14 92:6	235:11,22	<b>waiting</b> 32:12
105:18	216:20 217:9	99:8 100:3	239:11 244:5	113:12 116:5
<b>undivided</b> 33:12	<b>uptons</b> 153:12	105:15 113:19	259:14,15	185:17 278:2
<b>unessential</b>	<b>use</b> 50:4 60:11	158:11 159:22	270:5 278:13	<b>wall</b> 87:8
49:17	60:17 61:5,17	160:12 161:16	<b>velocity</b> 17:20	<b>want</b> 9:22 12:16
<b>unexplainable</b>	86:9 125:17	162:7,18	<b>venture</b> 233:17	16:22 17:1,5
264:20	144:10 165:22	167:12 168:1	<b>verified</b> 273:9	22:14,16 24:14
<b>unfolded</b> 24:6	168:19 179:20	173:18 176:12	273:11	27:21 32:11
<b>unfolds</b> 21:16	192:9 195:3	176:14,18	<b>vermont</b> 2:20	33:3 34:1 36:2
<b>unfortunately</b>	197:15 214:7	192:19 204:6	<b>version</b> 56:13	37:8 53:14,16
15:18 108:8	214:17 226:7	221:15 251:2	288:8	57:11 59:11
121:21 231:8	<b>useful</b> 195:3	253:1 261:3	<b>versus</b> 146:22	62:10 67:12
259:18	<b>uses</b> 130:18	270:16 275:19	159:18 179:10	68:14 78:12
<b>unidentified</b>	<b>usually</b> 100:16	277:11,13	242:8 273:16	80:6 81:19,21
292:6	148:19 160:12	280:16 282:4	290:9	88:21 89:16
<b>unimpeded</b>	183:4	282:13 283:6	<b>vibrate</b> 154:17	101:15 102:8
31:22		284:6,11,19	<b>vice</b> 22:3 28:12	104:10 108:3
<b>unintended</b>	<b>V</b>	290:18	32:13 58:14	108:11 119:3
23:18	<b>valid</b> 263:3	<b>vehicles</b> 10:18	82:12 88:6	121:11 122:2
<b>union</b> 186:7	<b>validation</b> 122:7	11:19 12:8	92:5 93:13	123:5 124:21
<b>unique</b> 149:15	181:21	19:8,10 24:7	<b>victim</b> 184:6	126:21 137:21
149:20	<b>validations</b>	25:22 26:9,12	<b>victims</b> 9:3	140:9 145:10
<b>unit</b> 173:9	117:11	26:15 31:1	24:12 115:3	146:16,17
<b>united</b> 1:1 30:3	<b>valuable</b> 58:11	34:5,11 35:10	157:20 183:8	147:20 150:15
76:6 86:5	128:21 254:8	35:16 44:4	183:11,22	151:3,16 152:3
187:16	<b>value</b> 163:22	51:9 62:8,17	188:5	152:7,7 157:7
<b>unquote</b> 41:2	183:5	63:19 64:3,5	<b>videotape</b> 1:14	157:19 162:1
179:18	<b>values</b> 44:18	64:12,13,19	<b>videotaped</b>	164:16,18
<b>unraveled</b> 91:6	89:8,18 92:22	65:3,7 66:3,9	292:12 293:6	167:2 168:7,12
<b>unreasonable</b>	93:2,7 118:8	75:4 77:17	<b>vin</b> 280:15	169:17 183:2
178:8 290:19	<b>valukas</b> 31:21	79:11 81:22	<b>violation</b> 127:16	192:21 201:15
<b>unsafe</b> 16:19	41:22 53:4	83:7 88:9 90:4	<b>violent</b> 18:6	202:19 203:7
<b>updated</b> 33:14	58:1,2 71:2	90:8,13 98:8	<b>virginia</b> 2:12	211:8 219:10
<b>updates</b> 32:2	72:16 74:8	99:16 100:2	269:9	219:12 228:3

230:11 236:13	128:16 135:13	195:2,8,11	107:2 111:17	<b>women</b> 35:8,16
244:20 247:10	148:21 151:12	217:19 219:8	116:7 117:7,10	87:9
261:4 262:12	169:4 198:16	219:12 237:11	117:11,16,18	<b>wonder</b> 97:3,16
264:13 267:2	199:10 213:18	280:14	117:21 118:8	274:21
276:12 282:4	256:11 265:14	<b>websites</b> 189:18	118:11 121:19	<b>wondering</b>
282:21,22	285:7	195:18	129:1 133:9	199:12 244:2
283:4 285:19	<b>watch</b> 31:2 69:1	<b>wed</b> 160:2 211:3	134:5 151:7,10	<b>wont</b> 9:11 22:2
288:8	115:11,22	<b>week</b> 26:2 34:15	156:16 158:14	129:2 137:18
<b>wanted</b> 36:4	<b>watching</b> 21:16	61:22 159:2	183:14 209:14	150:14 152:17
194:9 217:9	262:14 269:21	171:15	212:21 214:9	<b>wording</b> 273:5
219:7 243:9,12	<b>water</b> 182:20	<b>weeks</b> 9:16	214:10 215:14	274:2
246:21 269:22	<b>watsonibm</b>	102:1 107:1	219:17 236:14	<b>words</b> 120:15
277:16	214:6	115:22	237:5 242:7	<b>work</b> 7:3 21:9
<b>warned</b> 12:14	<b>waxman</b> 2:19	<b>weigel</b> 170:16	277:3 283:9	32:3 33:7
49:16 235:17	10:2 23:9,11	<b>weigels</b> 171:1	<b>whats</b> 26:1	35:16 37:21
<b>warning</b> 20:19	60:7,9 61:1,4	<b>weighed</b> 96:22	54:16 58:19	45:9 46:19
189:17 197:11	61:10,14,21	258:1	59:9 88:21	55:1 57:18,19
197:15 212:1	63:16,20 64:15	<b>welch</b> 2:20	90:13 108:1	57:20 63:4
213:3 220:14	64:18,21 65:2	142:16,18	120:13 126:1	70:22 103:4
223:14 242:20	65:15 66:11	143:5,7,13,16	130:2 242:11	105:7 121:17
249:21 251:9	67:18 80:11	143:21 144:2,7	264:21 286:9	134:3 139:9
252:22 255:6	95:6	144:13,18	290:4	153:6,7 154:15
265:22 269:17	<b>way</b> 33:3 36:20	145:2,9,14,20	<b>wheel</b> 18:8 97:6	154:16 156:6
274:8 278:11	43:20 47:21	146:10,16	97:7,9 155:22	156:15,21
288:21,22	48:20 57:13,20	147:4,8,11	156:17 188:13	157:11 160:9
<b>warrant</b> 191:8	58:21 59:17	148:4,9,12,17	257:22 258:2	183:19 184:2
214:17	80:17,21 81:20	149:2,5,18,21	258:18	188:10,12
<b>warranted</b>	81:21 89:6	150:13,19	<b>whos</b> 22:13	232:4 237:5
198:3	90:4 92:2	<b>welcome</b> 32:20	<b>widespread</b> 69:2	267:19 268:1
<b>warranties</b>	98:22 110:7	157:1,5 163:20	<b>wife</b> 129:18	<b>worked</b> 23:2
251:16,18	117:13 126:16	194:7	174:19	82:2,3 154:1
<b>warranty</b> 6:4	137:22 154:3	<b>welldocument...</b>	<b>wifes</b> 130:18	186:6 207:16
13:17,20 14:3	157:3 158:18	83:22	<b>willfully</b> 142:4	213:17 268:9
16:14 25:7	159:3 167:21	<b>went</b> 12:12	<b>willing</b> 183:9	<b>workers</b> 9:11
66:5 163:10	168:6,11 214:1	19:18 57:15	<b>wish</b> 134:15	<b>working</b> 10:3
165:11 166:10	219:17 232:22	61:8 72:22	268:17,19	67:1 72:4 89:6
196:20 197:2,7	260:18 264:4	98:2 99:5	269:3	112:13 137:11
198:1 251:2,10	266:19,20	121:20 174:22	<b>withhold</b> 142:7	142:21 252:1
251:11 252:5,7	267:8,9 273:14	194:13 242:19	142:12	<b>works</b> 157:3
252:9 253:3,11	278:1,5,8	257:14	<b>witness</b> 3:3 28:4	<b>world</b> 9:11 20:6
253:12,19	288:4	<b>weve</b> 33:3,4,16	28:19 29:16,19	31:9 81:15
254:4 255:1	<b>ways</b> 172:19	33:19 34:4	93:17 156:6	83:18 98:19
278:12,14	192:8,11 281:2	41:21 44:12,15	186:10 187:6	130:19 138:19
289:20	288:3	44:16 53:20	187:10,14	140:13
<b>wasnt</b> 6:20	<b>wearing</b> 96:21	58:20 60:10	<b>witnesses</b> 10:6,7	<b>worldwide</b>
42:10 65:15	<b>website</b> 33:14	80:12 87:3	291:20 292:3	91:16
95:3 96:21,22	194:13,18	89:7,11 98:17	<b>woman</b> 258:22	<b>worn</b> 232:19



<b>worst</b> 139:5,12	122:22 165:5,9	<b>yields</b> 23:7 28:1	<b>Z</b>	253:19
<b>worth</b> 160:20	169:6 171:17	60:4 80:1	<b>zero</b> 17:20	<b>14</b> 6:6 196:17
<b>worthy</b> 265:14	229:18,18	107:10 120:21	<b>0</b>	218:6 222:22
<b>wouldnt</b> 5:8	275:19 280:13	164:3 170:12	<b>000</b> 19:10 34:5	<b>15</b> 46:11 50:17
15:17 98:4	283:3	181:7 210:3	37:17 67:16	50:18 166:11
138:13,17	<b>years</b> 5:18 6:10	226:17 240:2	114:1 131:12	182:7,13
144:13 154:15	7:2,8 11:2	269:6 276:7	265:19 283:3,9	217:10
154:16 159:11	24:18 45:7	<b>york</b> 2:17 90:15	283:11	<b>15th</b> 28:7 196:10
199:22 200:13	47:9 54:1 59:3	174:17 175:14	<b>03</b> 145:19 146:4	196:12 294:2
279:14	60:14,18 61:17	176:6 235:8	<b>05</b> 20:16 154:11	<b>18</b> 30:2 87:15
<b>write</b> 165:18	63:21 80:14	236:12	155:1 218:5	90:8 153:20
<b>writer</b> 90:21	88:12 93:8	<b>youd</b> 99:19	<b>06</b> 59:4 218:5	154:4,5 170:16
<b>writing</b> 128:7	94:4 111:5	154:14	220:9	187:15 269:19
<b>written</b> 30:5	121:21,21	<b>youll</b> 39:3,6 96:1	<b>07</b> 146:4 212:1	<b>187</b> 3:8
33:19 93:20	131:9,10	185:15 243:16	218:5	<b>18th</b> 88:4
187:18 203:14	132:22 146:12	<b>young</b> 84:22	<b>084002883</b>	<b>19</b> 170:18 196:9
226:22 275:9	146:21 147:14	87:8,9,12	294:6	<b>1950</b> 188:16
291:2	151:21 153:20	112:12 231:9	<b>09</b> 220:9	<b>1973</b> 154:6
<b>wrong</b> 19:18	154:2,4,11	<b>youre</b> 45:1	<b>1</b>	<b>1990s</b> 76:18
57:15 276:3	158:21 169:12	47:14 52:21	<b>11</b> 1:11,15 19:9	<b>1st</b> 95:22 215:18
290:18	186:6 189:8	54:15 66:15	124:8 145:13	
<b>wrote</b> 90:21	194:1 198:21	71:14 73:4	146:7 191:14	
174:18 176:6	204:3 213:1	82:10 119:7	212:21 214:18	
211:14	215:20 216:2	123:1,2 124:22	268:9 293:7	
<b>X</b>	227:6 231:7	127:14,17	<b>10</b> 166:11 169:8	
<b>x</b> 3:1	235:9,22 238:5	138:6 151:20	214:19	
<b>Y</b>	238:20	151:21 152:19	<b>100</b> 67:5 214:19	
<b>yall</b> 123:13	<b>yesterday</b> 13:7	168:9 180:6	<b>1001</b> 30:3	
124:18 241:6	108:9 131:7	181:17 183:3,3	187:16	
243:6,8	172:1	184:1 201:7,8	<b>101</b> 55:12	
<b>yarmuth</b> 2:21	<b>yield</b> 11:8 22:3	211:4 245:2,8	<b>106</b> 258:1	
157:17,18	23:5 27:21	252:10 267:12	<b>106pound</b> 258:3	
158:19 160:4	60:3,3 74:14	271:3 274:12	<b>10th</b> 108:15	
160:18 161:17	79:21 84:3	281:13	<b>11</b> 235:22 238:5	
161:22 162:3,5	92:13,21 107:8	<b>youve</b> 57:14	238:20	
163:6,16 164:1	113:9 120:20	66:14 68:6	<b>12</b> 22:10 91:10	
<b>yeah</b> 47:21	129:6 141:22	87:4 97:20	186:6 194:1	
84:10 110:11	150:19 157:15	99:20 105:14	230:11,12	
152:11 160:18	164:1 170:11	111:14,14	<b>12th</b> 170:18	
163:1 228:3	181:6 206:10	122:3 130:11	<b>13</b> 12:2 24:10	
287:11	217:11 218:9	138:9 142:20	34:5 45:7	
<b>year</b> 5:4 26:8	226:15 233:16	152:19 175:21	114:1 131:11	
51:14 56:19	247:8 262:7	241:22 242:9	263:10	
62:17,21 64:2	276:5 283:16	242:10,11	<b>130</b> 13:19 25:7	
106:18 112:14	<b>yielded</b> 262:3	245:7 259:20	251:1 252:12	
119:1 122:21	<b>yielding</b> 10:6	271:7 273:13		
	285:6,12	281:4,4 282:11		

<b>2003</b> 13:15,15 16:12 60:15 61:8,11 64:1 131:8 222:17	144:10,16 145:4 146:2 169:8 189:22 191:4 196:2,10 200:6 222:16 225:7,10 229:11 240:11 240:19 242:3,8 242:16 249:10 255:21 270:2	<b>26</b> 170:20 <b>260</b> 235:20 238:4,17 239:3 <b>28</b> 164:18,20 <b>28th</b> 64:4 <b>29</b> 3:4 6:5 196:15 222:21 <b>293</b> 293:7 <b>299</b> 191:14 212:21 268:9 <b>29th</b> 108:16 <b>29year</b> 231:9	<b>53</b> 182:2 <b>54</b> 172:5 <b>57</b> 14:19 173:9 174:4,15 <hr/> <b>6</b> <b>6</b> 19:9 62:10 91:17 108:6,10 169:8 182:3 <b>60</b> 103:8 139:10 156:10,13 203:19 283:11 <b>600</b> 277:8 <b>66</b> 277:2 <hr/> <b>7</b> <b>7</b> 45:15 169:8 <b>70</b> 98:3 261:2 <b>73</b> 154:11 155:1 <b>75</b> 283:11 <b>7th</b> 52:1 66:19 <hr/> <b>8</b> <b>8</b> 47:20 95:19 96:2 146:7 172:22 <hr/> <b>9</b> <b>9</b> 169:9 <b>90</b> 166:3,7 <b>900</b> 19:10 <b>911</b> 36:15 <b>92</b> 108:17
<b>2004</b> 4:9,16 37:19 47:9 48:5 51:6 141:12 172:18 173:1,12 248:14	<b>2008</b> 16:9 26:8 28:11,14 51:3 60:18 61:17 62:8,16,21 64:3 165:6,9 169:9 <b>20082010</b> 62:17 <b>2009</b> 28:11 102:1,5 103:19 169:4,10 170:19,21 259:6 <b>2010</b> 6:10 10:17 23:19 27:9 60:18 61:17 62:21 91:3 108:16 191:1 229:11 255:21 <b>2011</b> 6:16 16:10 26:8 51:3 64:3 136:19 <b>20112012</b> 117:9 <b>2012</b> 6:16 182:3 256:4 <b>2013</b> 6:20 42:20 62:9 176:1 227:16 228:16 <b>2014</b> 1:11,16 16:12 27:7 28:7 51:7,14 51:14 79:16 126:8,9 143:12 215:19 294:3 <b>24th</b> 170:16 <b>25</b> 6:5 40:17 41:9 <b>25th</b> 123:15	<b>3</b> 13:16 108:10 141:6,9,15 <b>30</b> 91:5 103:7 134:9 139:10 169:9 <b>31st</b> 69:7 70:1 122:20 126:4 143:12 177:4 <b>34</b> 227:14 <b>35</b> 191:15 <b>38</b> 122:4,5 169:8 <b>39</b> 62:10 154:2 <b>3rd</b> 170:21 209:11 <hr/> <b>4</b> <b>4</b> 196:16 214:18 222:22 <b>40</b> 80:14 267:16 <b>4474</b> 196:13 <b>4480</b> 196:19 <b>45</b> 258:22 261:3 265:19 283:3,9 <b>474</b> 13:16 <hr/> <b>5</b> <b>5</b> 11:19 24:7 46:16 51:9 76:6 143:6 182:14 238:3 <b>50</b> 80:14 131:12 267:16 283:11 <b>500</b> 15:19 25:4 <b>51</b> 273:16	
<b>2005</b> 4:16 5:6 14:12 15:5 28:13 40:18 47:13 48:22 95:22 96:12,17 108:20 109:5 112:10 130:15 141:13 161:1 164:21 167:11 169:7 170:17 170:19 174:17 176:6,8 195:13 220:9,21 221:8 230:9 231:19 236:8 248:21 249:1,11,21 257:14 261:12			
<b>2006</b> 7:14 16:5 40:10 42:22 50:3 52:7,13 54:2 77:17 106:4 114:14 123:15,16 124:8,12 126:6 126:12 135:5 143:8 144:3,10 144:16,20 170:16,22 181:16 220:22 221:8 222:17 231:5,20 249:22 250:11 258:7			
<b>2007</b> 5:18 6:13 10:17 60:15 61:11 64:1 130:22 144:3			